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MISCELLANEOUS PARKS AND PUBLIC LANDS MEASURES

HEARING

BEFORE THE

SUBCOMMITTEE ON

PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON

ENERGY AND NATURAL RESOURCES

UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

FIRST SESSION

ON

S. 574
S. 578
S. 892
S. 1012
S. 1259
S. 1297
H.R. 242
H.R. 797
H.R. 990
H.R. 1205
H.R. 1366
H.R. 1744

JULY 30, 1987

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MISCELLANEOUS PARKS AND PUBLIC LANDS MEASURES

THURSDAY, JULY 30, 1987

U.S. Senate,
Subcommittee on Public Lands,
National Parks and Forests,
Committee on Energy and Natural Resources,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:05 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Wendell H. Ford, presiding.

OPENING STATEMENT OF HON. WENDELL H. FORD, A U.S. SENATOR FROM THE STATE OF KENTUCKY

Senator Ford. Good morning, ladies and gentlemen.

The purpose of the hearing today is to receive testimony on several measures before the Public Lands, National Parks and Forests Subcommittee. Because of the large number of measures before us and since they are for the most part noncontroversial, we are hearing only from bill's sponsors and Administration witnesses today.

The record of this hearing will remain open for two weeks for statements of additional material regarding these measures. I encourage anyone interested in these bills to include such statements so that the committee will have as full and complete a record as possible.

At this point in the interest of time, I will submit my statement for the record in support of S. 578, a bill I have introduced to designate the Cherokee Trail of Tears as a national historic trail.

[The prepared statement of Senator Ford and the texts of the bills follow:]

Subcommittee on Public Lands, National Parks and Forests
S. 578 - To Designate the Trail of Tears
Senator Wendell H. Ford
July 30, 1987

MR. CHAIRMAN, I am pleased to testify in support of my bill, S. 578, to amend the National Trails System Act to designate the Trail of Tears as a National Historic Trail.

My bill would, in some small measure, pay tribute to the strength and dignity of the Cherokee Nation. My bill would, in some small measure, recognize the wrong done the Cherokee Nation some 150 years ago.

In 1830, with the support of President Andrew Jackson, Congress passed the Indian Removal Act.

Between 1830 and 1832, all but the Cherokees signed treaties and moved west to what is presently eastern Oklahoma. Twice the Cherokees fought their battle to the Supreme Court. Although the Court's second decision declared that the United States Government must protect the Indians, Jackson failed to enforce the decision, and state and local officials confiscated Indian lands. In 1835, a minority faction, speaking for the whole tribe, signed the removal treaty and moved west. During 1837 and 1838, government soldiers moved the Indians into stockades and then moved them west by land and by water. Hundreds, even thousands, died along the "Trail of Tears."

Mr. Chairman, the National Park Service has had the lead responsibility for study of the Trail of Tears. The Department of the Interior will report today on the study and on S. 578.

A working group considered the Trail's eligibility for designation, trail designation issues, management opportunities or constraints, and assured public involvement in the study process. In addition to the NPS working group, a Study Advisory Committee was organized with representatives from the Cherokee Indians, each of the nine states (Georgia, North Carolina, Alabama, Tennessee, Kentucky, Illinois, Missouri, Arkansas and Oklahoma) within the study area, Federal agencies and historians. The Advisory Committee furnished pertinent information to the working group, reviewed draft study report material, and assisted with public involvement.

The study effort identified a general "trail corridor"; evaluated the historic, cultural and national attributes throughout the corridor; determined broad landownership patterns; analyzed present and future land use; explored potential trail administration; examined the possible environmental impacts of national designation; and considered an array of trail alternatives.

Mr. Chairman, I recommend that the Congress recognize the great Cherokee Nation and its trials and tribulations by enactment of S.578.

II

100TH CONGRESS
1ST SESSION

S. 574

Entitled the "Battle Mountain Pasture Restoration Act of 1987".

IN THE SENATE OF THE UNITED STATES

FEBRUARY 19, 1987

Mr. HECHT introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

Entitled the "Battle Mountain Pasture Restoration Act of 1987".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be known as the "Battle Mountain Pasture Restoration Act of 1987".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the Humboldt Project is a land reclamation and irrigation project created pursuant to the Act of Congress of June 16, 1934 (48 Stat 195), and June 17, 1902 (32 Stat 388), and is an irrigation dam

project known as Rye Patch Dam located in Pershing County, Nevada;

(2) the Pershing County Water Conservation District, a quasi-political subdivision of the State of Nevada, entered into contracts in 1934 to purchase all of the lands comprising the Battle Mountain Community Pasture, consisting of approximately twenty-nine thousand eight hundred and eighty-four acres of land, and water rights appurtenant thereto in Lander County, Nevada, consisting of a consolidation of two ranches known as the Filipini Ranch and the Aldous Ranch;

(3) the Pershing County Water Conservation District transferred all of the water rights appurtenant to the Filipini and Aldous Ranches to the Humboldt Project to provide water to make the construction of Rye Patch Dam feasible;

(4) the legislation authorizing the construction of the Humboldt Project provided that title to the Filipini Ranch and Aldous Ranch was to lie with the United States until further Act of Congress;

(5) the Pershing County Water Conservation District assigned its purchase contracts of the Filipini Ranch and the Aldous Ranch comprising the community pasture to the United States in 1934, and in 1936

conveyed the water rights to the United States as required under the terms of the Humboldt Project to make the construction of Rye Patch Dam feasible;

(6) a repayment contract was entered into with the United States Department of the Interior, Bureau of Reclamation, on October 1, 1934, to provide the funds necessary for the construction of Rye Patch Dam and Reservoir, and to ensure the repayment to the United States of all costs of construction and operation of the Humboldt Project;

(7) the Pershing County Water Conservation District water users have completely repaid the United States all of the costs of the Humboldt Project, including the cost of the purchase of the Aldous and Filipini Ranches, known as the Battle Mountain Community Pasture;

(8) the Pershing County Water Conservation District has paid real estate taxes on the Battle Mountain Community Pasture for many years;

(9) the Battle Mountain Community Pasture continues to be required by the Pershing County Water Conservation District to ensure that the waters of the Humboldt River pass through the pasture, and are not diverted or diminished, in accordance with the terms of

the transfer of the water rights as provided by the State of Nevada;

(10) the Pershing County Water Conservation District has an immediate and continuing need for the Battle Mountain Community Pasture; and

(11) the purpose of this Act is to convey to the Pershing County Water Conservation District fee title to the Battle Mountain Community Pasture in recognition of the fact that it was initially acquired by the Pershing County Water Conservation District, and subsequently transferred to the United States for the Humboldt Project, until further Act of Congress and the full repayment of the construction and acquisition costs of the Humboldt Project to the United States.

SEC. 3. CONVEYANCE.

The Secretary of the Interior shall convey, subject to all existing rights and interests of third parties upon, in, and over the property, and upon payment of administrative costs incurred in making the transfer, not to exceed $20,000, to the Pershing County Water Conservation District, all right, title, and interest of the United States in and to the land described in section 4 of this Act.

SEC. 4. DESCRIPTION.

The land referred to in section 3 of this Act is described as follows: Portions of those parcels of land described in the warranty deed between Charles S. Aldoux, et ux., and the United States dated January 17, 1935, and in the warranty deed between Filipini Ranching Company and the United States dated January 26, 1935, said lands being in the County of Lander, State of Nevada, and described as follows:

MOUNT DIABLO MERIDIAN

Township 32 North, Range 44 East

Section 1.

Township 32 North, Range 45 East

Sections 3 to 6, inclusive, sections 10 to 14, inclusive, and sections 22 to 24, inclusive; all of section 7, excepting therefrom portions of lots 3 and 4, and southwest quarter more fully described by metes and bounds as follows:

> Beginning at the intersection of the centerline of the westbound lane of Interstate Route 80, Project I-080-3(12)229, and the west boundary of section 7, at highway engineer's station "Bw" 241 plus 36.69 P.O.C., said point of beginning further described as bearing south 0 degrees 02 minutes 18 seconds west, a distance of 1,571.26 feet from the west quarter corner of section 7; thence north 0 degrees 02 minutes 18 seconds east, along west boundary of section 7, a distance of 379.00 feet to a point; thence south 34 degrees 02 minutes 55 seconds east, a distance of 754.84 feet to a point; thence from a tangent which bears the

last described course, curving to the left with a radius of 1,500 feet, through an angle of 34 degrees 06 minutes 42 seconds, an arc distance of 893.04 feet to a point; thence south 68 degrees 09 minutes 37 seconds east, a distance of 731.06 feet to an intersection with the south boundary of section 7; thence south 89 degrees 58 minutes 33 seconds west, along said south boundary, a distance of 1,787.00 feet to the southwest corner of section 7; thence north 0 degrees 02 minutes 18 seconds east, along the west boundary of section 7, a distance of 1,071.65 feet to the point of beginning, said parcel contains an area of 20.91 acres, more or less.

Also excepting therefrom the southeast quarter of section 7. Also excepting therefrom, a strip of land having a uniform width of 30 feet, where measurable at right angles lying within 15 feet on each side of the following described centerline:

Beginning at a point in the south boundary of the northeast quarter of section 7, west, 660.0 feet distant from the east quarter corner of section 7; thence north, 513.0 feet to a point on the south bank of the Reese River, that is south 17 degrees 16 minutes west, 2,223.2 feet distant from the northeast corner of section 7, the sideline boundaries of said strip of land are to be lengthened or shortened as the case may be, so as to begin in the south boundary of the northeast quarter of section 7, and terminate on the south bank of the Reese River, said parcel contains an area of 0.35 acre, more or less.

Section 8, west half;

Section 9, northeast quarter;

Section 15, all that portion lying south of the old channel of the Humboldt River, and containing 340 acres, more or less;

Section 17, southeast quarter, except that portion thereof conveyed to C.W. Burge (deed recorded in Book 52 of Deeds, page 476, records of said Lander County) described as follows:

Beginning at a corner point numbered 1, on the east boundary of section 17, north, 1,015 feet distant from the southeast corner of section 17. Thence north (on section line), 1,625 feet to east quarter corner, section 17. Thence, same course, 1,525 feet to northeast corner numbered 2. Thence south 43 degrees 56 minutes west, 2,019 feet to west angle corner (along wagon road). Thence south 39 degrees 33 minutes east, 2,200 feet to corner numbered 1, place of beginning, containing 50.65 acres.

Section 18, northeast quarter northeast quarter, excepting therefrom, a strip of land having a uniform width of 30 feet, where measurable at right angles lying within 15 feet on each side of the following described centerline:

> Beginning at a point in the east boundary of section 18, south, 1,127.9 feet distant from the northeast corner of section 18; thence entering section 18, north 30 degrees 20 minutes west, 1,306.8 feet to a point in the north boundary of section 18, west, 660.0 feet distant from northeast corner of section 18, the sideline boundaries of said strip of land are to be lengthened or shortened, as the case may be, so as to begin in the east boundary, and terminate in the north boundary of section 18, said parcel contains an area of 0.90 acre, more or less.

Section 26, north half north half, and south half northeast quarter.

Township 32 North, Range 46 East

Sections 7 to 11, inclusive, sections 15 to 18, inclusive, and section 20;

Section 1, south half;

Section 2, south half;

Section 3, south $^{21}/_{40}$ of south half, containing 168 acres;

Section 4, south $^{21}/_{40}$ of south half, containing 168 acres; also in section 4 all that portion of that tract of land containing 39.5 acres deeded on December 13, 1989, by J.H. Crum, and others to James Faris (deed recorded at page 151, in Book 49 of Deeds, records of said Lander County), which is not included in that certain parcel or tract of land deeded May 22, 1903, by James Faris and Annie Faris, to Southern Pacific Company (deed recorded at page 770, in Book 49 of Deeds, records of said Lander County); section 5, south $^{33}/_{40}$ of south half, containing 264 acres; section 6, south half south half, north half southeast quarter, and north half southwest quarter (undivided one-half interest);

Section 12, north half;

Section 14, northwest quarter;

Section 19, north half;

Section 21, north half;

Section 22, north half northwest quarter, northwest quarter southwest quarter, and southwest quarter northwest quarter.

Township 32 North, Range 47 East

Section 6, north half south half.

Township 33 North, Range 44 East

Section 12, southeast quarter northeast quarter.

Township 33 North, Range 45 East

Sections 5 to 8, inclusive, sections 17 to 21, inclusive, and sections 28 to 33, inclusive;

Section 9, southwest quarter;

Section 27, southwest quarter;

Section 34, north half northeast quarter, and south half;

Section 35, southwest quarter.

Township 34 North, Range 44 East

Section 36, southwest quarter southeast quarter, and southwest quarter southwest quarter.

○

II

100TH CONGRESS
1ST SESSION

S. 578

To amend the National Trails System Act to designate the Trail of Tears as a National Historic Trail.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 1987

Mr. FORD introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To amend the National Trails System Act to designate the Trail of Tears as a National Historic Trail.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding the following new paragraph at the end thereof:

"(14)(A) The Trail of Tears National Historic Trail, a trail consisting of water routes and overland routes traveled by the Cherokee Nation during its removal from ancestral lands in the East to Oklahoma during 1838 and 1839, generally located within the corridor described through portions of

Georgia, North Carolina, Alabama, Tennessee, Kentucky, Illinois, Missouri, Arkansas, and Oklahoma in the final report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled "Trail of Tears" and dated June 1986. Maps depicting the corridor shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears except with the consent of the owner thereof.

"(B) In carrying out his responsibilities pursuant to subsections 5(f) and 7(c) of this Act, the Secretary of the Interior shall give careful consideration to the establishment of appropriate interpretive sites for the Trail of Tears in the vicinity of Hopkinsville, Kentucky".

SEC. 2. Section 10(c)(2) of the National Trails System Act (16 U.S.C. 1249(c)(2)) is amended by striking out "(13)" and inserting in lieu thereof "(14)".

○

II

100TH CONGRESS
1ST SESSION

S. 892

To remove the right of reversion to the United States in lands owned by the Shriners' Hospitals for Crippled Children on lands formerly owned by the United States in Salt Lake County, Utah.

IN THE SENATE OF THE UNITED STATES

MARCH 31 (legislative day, MARCH 30), 1987

Mr. GARN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To remove the right of reversion to the United States in lands owned by the Shriners' Hospitals for Crippled Children on lands formerly owned by the United States in Salt Lake County, Utah.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Act of March 14, 1946 (60 Stat. 55, Chapter 91), or any other provision of law, the United States quitclaims and releases any right of reversion held by the United States to the lands transferred pursuant to the Act of March 14, 1946 (60 Stat. 55, Chapter 91).

○

II

100TH CONGRESS
1ST SESSION

S. 1012

To increase the amount authorized to be appropriated for property acquisitioned, restoration, and developed, and for transportation, educational, and cultural programs, relating to the Lowell National Historical Park; to continue the term of a member of the Lowell Historical Preservation Commission pending the appointment of a successor; to adjust a quorum of the Commission in the event of a vacancy; and to delay the termination of the Commission.

IN THE SENATE OF THE UNITED STATES

APRIL 10 (legislative day, MARCH 30), 1987

Mr. KERRY (for himself and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To increase the amount authorized to be appropriated for property acquisitioned, restoration, and developed, and for transportation, educational, and cultural programs, relating to the Lowell National Historical Park; to continue the term of a member of the Lowell Historical Preservation Commission pending the appointment of a successor; to adjust a quorum of the Commission in the event of a vacancy; and to delay the termination of the Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

The Act entitled "An Act to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes", approved June 5, 1978 (92 Stat. 290; 16 U.S.C. 410cc et seq.), is amended—

(1) in section 103(a)—

(A) by striking "$18,500,000" and inserting "$19,800,000" in paragraph (1); and

(B) by striking "$21,500,000" and inserting "$33,600,000" in paragraph (2);

(2) in section 301(e)(2) by striking "for a period not longer than thirty days" and inserting "until his successor is appointed";

(3) in section 301(f) by striking "Eight" and inserting "A majority of the incumbents"; and

(4) in section 301(i) by striking "ten" and inserting "seventeen".

SEC. 2. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by section 1 shall take effect on the date of the enactment of this Act.

(b) EFFECTIVE DATE OF AUTHORIZATION OF APPROPRIATION.—The amendments made by section 1(l) shall take effect on October 1, 1987.

○

II

100TH CONGRESS
1ST SESSION

S. 1259

To direct the Secretary of the Interior to permit access across certain Federal lands in the State of Arkansas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21 (legislative day, MAY 13), 1987

Mr. BUMPERS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To direct the Secretary of the Interior to permit access across certain Federal lands in the State of Arkansas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Notwithstanding any other provision of law, the Secretary of the Interior shall permit access across the Buffalo National River (hereinafter referred to as "the park") to certain privately owned lands outside the park boundary along a route known locally as the "Old Springtown Road" as depicted on a map entitled "Old Springtown Road Access", dated April, 1987 and available for inspection in the Office of the Superintendent, Buffalo National River.

(b) The Secretary shall permit such access across the park solely for the purpose of providing to the owners reasonable ingress and egress to the private residential property depicted on the map referenced in subsection (a).

(c) The Secretary shall promulgate such regulations as he deems necessary to ensure that such access does not unreasonably diminish the scenic, historic, and other values for which the park was established.

(d)(1) The owners of the private residential property identified in subsection (c) shall pay an annual fee to the Secretary of the Interior for the access provided pursuant to this Act.

(2) Any fee collected shall be fair and reasonable and shall be in an amount necessary to cover the administrative costs associated with granting of such access, including the issuance of annual permits: *Provided,* That in no event shall the fee collected pursuant to this subsection exceed $100 per annum.

○

II

100TH CONGRESS
1ST SESSION

S. 1297

To amend the National Trails System Act to provide for a study of the De Soto Trail, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 29, 1987

Mr. GRAHAM (for himself, Mr. CHILES, Mr. HEFLIN, Mr. STENNIS, Mr. BUMPERS, Mr. PRYOR, Mr. SANFORD, Mr. SHELBY, and Mr. FOWLER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To amend the National Trails System Act to provide for a study of the De Soto Trail, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "De Soto National Trail Study Act of 1987".

SEC. 2. FINDINGS.

The Congress finds that—

(1) Hernando de Soto landed in the vicinity of Tampa Bay on May 30, 1539;

(2) de Soto then led his expedition of approximately 600 through the States of Florida, Georgia, South Carolina, North Carolina, Tennessee, Alabama, Mississippi, and Arkansas;

(3) de Soto died on the banks of the Mississippi River in 1542;

(4) the survivors of de Soto's expedition went on to Texas, then back through Arkansas, and into Louisiana in search of a route to Mexico;

(5) the de Soto expedition represented the first large group of Europeans to explore so deeply into the Southeastern region;

(6) archeologists have recently uncovered, in Tallahassee, Florida, what may have been de Soto's first winter camp;

(7) the State of Florida has completed identification and marking of close to three-fourths of de Soto's trail in that State; and

(8) several other States are in the process of identifying and marking de Soto's trail within their borders.

SEC. 3. DESIGNATION OF TRAIL.

Section 5(c) of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1244(c)) is amended by adding the following new paragraph at the end thereof:

"(31) De Soto Trail, the approximate route taken by the expedition of the Spanish explorer Hernado de Soto in 1539, extending through portions of the States of Florida, Georgia, South Carolina, North Carolina, Tennessee, Alabama, Mississippi, to the area of Little Rock, Arkansas, on to Texas and Louisiana, and any other States which may have been crossed by the expedition. The study under this paragraph shall be prepared in accordance with subsection (b) of this section, except that it shall be completed and submitted to the Congress with recommendations as to its suitability for designation not later than one calendar year from the date of enactment of this paragraph.".

○

II

100TH CONGRESS
1ST SESSION

H. R. 242

IN THE SENATE OF THE UNITED STATES

MARCH 11, 1987

Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To provide for the conveyance of certain public lands in Oconto and Marinette Counties, Wisconsin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF CONVEYANCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") may convey any portion of the land described in subsection (b) to any citizen of the United States who claims and demonstrates possession of such portion of land.

(b) Description of Land.—The land referred to in subsection (a) consists of parcels of public lands constituting a survey hiatus in township 29 north, range 21½ east, fourth principal meridian, Oconto and Marinette Counties, Wisconsin, which contain approximately 200 acres.

(c) Preliminary Determinations.—No conveyance may be made under authority of this Act until the Secretary determines that—

(1) such conveyance—

(A) is in the public interest, and

(B) will serve objectives which outweigh public objectives and values which would be served by retaining such lands in Federal ownership; and

(2) no other statutory authority exists whereby the Secretary may afford the appropriate relief.

SEC. 2. PROCEDURE FOR CONVEYANCE.

(a) Determination of Price.—In determining the price for which land may be conveyed, the Secretary—

(1) shall appraise the land on the basis of its fair market value at the time of appraisal;

(2) shall deduct the value of improvements or development made by the person claiming possession or his predecessors in interest; and

(3) may further discount the price according to equitable considerations that exist with respect to each conveyance, including but not limited to—

(A) the amount originally paid for a parcel by the person claiming possession of such parcel, and

(B) any taxes that have been paid with respect to a parcel by the person claiming possession of such parcel.

(b) DESCRIPTION OF LAND CONVEYED AND CONVEYANCE THROUGH TRUSTEE.—(1) Land conveyed under this Act shall be described according to the rectangular system of survey, as reflected on the Federal plat of survey.

(2) In the event that an individual tract of land does not conform to such survey—

(A) the Secretary may convey such tract to a trustee acting on behalf of more than one claimant for purposes of conforming the legal description to such plat, and

(B) such trustee shall thereafter convey the appropriate interests to the respective claimants.

SEC. 3. TIME LIMIT FOR INITIATION OF IMPLEMENTATION.

The Secretary shall initiate action to implement this Act within 120 days of the date of the enactment of this Act.

Passed the House of Representatives March 10, 1987.

Attest: DONNALD K. ANDERSON,

Clerk.

II

100TH CONGRESS
1ST SESSION

H. R. 797

IN THE SENATE OF THE UNITED STATES

MARCH 11, 1987

Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To authorize the donation of certain non-Federal lands to Gettysburg National Military Park and to require a study and report on the final development of the park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DONATION OF NON-FEDERAL LANDS.

The Secretary of the Interior shall accept on behalf of the United States, the donation of approximately 31 acres of land known as the "Taney Farm" for administration as part of the Gettysburg National Military Park in Pennsylvania if such land is offered to be conveyed to the United States without cost to the United States by the Gettysburg Battlefield

Preservation Association. Upon acceptance of title thereto by the United States, such property shall be subject to all laws and regulations applicable to the park.

SEC. 2. ACQUISITION OF ADDITIONAL LANDS FOR GETTYSBURG NATIONAL MILITARY PARK; STUDY AND REPORT.

(a) ACQUISITION OF ADDITIONAL LANDS.—Except as provided in section 1 of this Act, until Congress receives the study under subsection (b), the Secretary of the Interior may not acquire by purchase, donation, exchange, or any other means any additional land for the Gettysburg National Military Park which is not within the boundaries of the 3,874 acre area depicted on the map dated July 25, 1974, numbered 305-92,004 and entitled "Gettysburg National Military Park".

(b) STUDY BY NATIONAL PARK SERVICE.—The Secretary of the Interior through the National Park Service shall conduct a boundary study and shall submit a report to Congress within one year of the date of enactment of this Act, with recommendations with respect to the final development of the Gettysburg National Military Park. In conducting the study, the Secretary shall consult with the people of the community and their elected representatives at all levels as well as with other interested individuals and groups.

Passed the House of Representatives March 10, 1987.

Attest: DONNALD K. ANDERSON,

Clerk.

II

100TH CONGRESS
1ST SESSION

H. R. 990

IN THE SENATE OF THE UNITED STATES

MARCH 11, 1987

Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To direct the Secretary of the Interior to convey a certain parcel of land located near Ocotillo, California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior shall convey, without consideration, to Imperial Valley College Barker Museum of El Centro, California, all right, title, and interest of the United States in and to the parcel of real property located near Ocotillo, California, and described in subsection (b). It is intended that such parcel be used for the purpose of constructing and maintaining a public museum.

(b) Lands to be conveyed pursuant to this Act are the lands generally depicted on the map entitled "Transfer to Imperial Valley College Barker Museum", dated August 1986 and available for inspection in the office of the California State Director, Bureau of Land Management.

(c) The lands conveyed under this Act shall continue to be reserved, maintained, and utilized for public park (including museum) and recreational purposes. If any of such lands is used for any other purpose, the title to such land, together with all improvements thereon, shall revert to the United States.

Passed the House of Representatives March 10, 1987.

Attest: DONNALD K. ANDERSON,
Clerk.

II

100TH CONGRESS
1ST SESSION

H. R. 1205

IN THE SENATE OF THE UNITED STATES

MAY 28, 1987

Received; read twice and referred to the Committee on Energy and Natural Resources

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AN ACT

To direct the Secretary of Agriculture to release a reversionary interest of the United States in certain land located in Putnam County, Florida, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to the State of Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELEASE OF REVERSIONARY INTEREST.

(a) RELEASE.—The Secretary of Agriculture shall take such actions as are necessary to release the restriction described in subsection (b) if, in consideration of such release, the State of Florida agrees to transfer to the United States a vested future interest, similar to such restriction, in the land identified as "Lands Subject to Future Vested Interest" on the map referred to in subsection (c).

(b) RESTRICTION.—The restriction referred to in subsection (a) is a reversionary interest of the United States in the land identified as "Lands Divested of Reversionary and Mineral Interests" on the map referred to in subsection (c) that—

(1) requires that such land be used for public purposes; and

(2) is contained in a deed—

(A) granting such land from the United States to the State Board of Education of Florida,

(B) dated October 19, 1954, and

(C) recorded at page 337 of book 224 of the record of deeds for Putnam County, Florida.

(c) MAP AND LEGAL DESCRIPTION.—The lands and interests in lands that are subject to this Act are those lands identified as "Lands Subject to Future Vested Interest" and "Lands Divested of Reversionary and Mineral Interests" as generally depicted on a map entitled "Wilcox Exchange, Putnam County, Florida", dated February 27, 1987, numbered page 1 of 3, and filed, together with a legal description of such lands, in the Office of the Chief of the Forest Service, United States Department of Agriculture. Such map and legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made by the Secretary of Agriculture.

SEC. 2. SALE OF MINERAL RIGHTS.

(a) In General.—Subject to any valid existing rights of third parties, the Secretary of the Interior shall convey to the State of Florida all of the undivided mineral interests of the United States in the land identified as "Lands Divested of Reversionary and Mineral Interests" on the map referred to in section 1(c) as soon as practicable after the date of the compliance by the State of Florida with the provisions of subsection (b)(2).

(b) Terms of Conveyance.—(1) Within 90 days after the date of the enactment of this Act, the Secretary of the Interior shall determine—

(A) the mineral character of the land identified as "Lands Divested of Reversionary and Mineral Interests" on the map referred to in section 1(c); and

(B) the fair market value of the mineral interests referred to in subsection (a).

(2) The State of Florida shall pay to the United States—

(A) any administrative costs incurred by the United States in conveying such mineral interests to the State of Florida, including the costs of making the determinations required by paragraph (1); and

(B)(i) the fair market value of such mineral interests, or

(ii) $1, in the case of mineral interests in any land determined by the Secretary of the Interior to have no value and to be under no active mineral development or leasing.

Passed the House of Representatives May 27, 1987.

Attest: DONNALD K. ANDERSON,
Clerk.

100TH CONGRESS
1ST SESSION

H. R. 1366

IN THE SENATE OF THE UNITED STATES

JUNE 30 (legislative day, JUNE 23), 1987

Received; read twice and referred to the Committee on Energy and Natural Resources

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AN ACT

To provide for the transfer of certain lands in the State of Arizona, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Notwithstanding any other provision of law, the Secretary of Agriculture is authorized and directed to convey the property described in section 2 of this Act to the Payson Unified School District No. 10, Arizona, (hereafter, the "School district"), in accordance with this Act.

SEC. 2. The property referred to in section 1 is that parcel of land comprising approximately sixty acres, known as the Payson School Site, in the town of Payson, county of Gila, Arizona.

SEC. 3. (a) Conveyance of the property described in section 2 shall be made upon a request of the governing body of the school district submitted to the Secretary of Agriculture no later than thirty years after the date of enactment of this Act.

(b) Conveyance of title to the property described in section 2, upon a timely request by the school district shall be in consideration for payment to the United States of an amount equal to—

(1) administrative costs associated with the preparation of title and legal description of such property, and the fair market value of such property (as determined by the Secretary of Agriculture on the basis of continued use of the property for school purposes) as of December 1, 1986;

(2) reduced by an amount equal to the total amounts paid to the United States by the school district for use of such property (pursuant to agreements between the school district and the Secretary of Agriculture) subsequent to January 1, 1961 and prior to the date of the request by the school district for conveyance of such property pursuant to this Act (but such reduction shall not be greater than the total amount described in paragraph 1).

SEC. 4. Any conveyance made pursuant to this Act shall be subject to such terms and conditions, consistent with this Act, as the Secretary of Agriculture determines necessary or desirable in the public interest, including but not limited to the treatment of existing easements or rights-of-way for roads and other purposes.

SEC. 5. During the period specified in section 3(a), the Secretary of Agriculture shall permit the school district to continue to occupy and use the property described in section 2 for school purposes upon condition that the school district make annual payments to the United States for such use of the property, but such payments shall not exceed $12,500 in any one year.

SEC. 6. Payments pursuant to section 3 and section 5 shall be considered to have been deposited with the Secretary of Agriculture pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a) and shall be handled in the same manner as amounts so deposited pursuant to such Act.

SEC. 7. (a) Title to any real property conveyed pursuant to this Act shall revert to the United States if the school district attempts to convey or otherwise transfer ownership of any portion of such property to any other party or attempts to encumber such title, or permits the use of any portion of such property for any purpose incompatible with the purposes specified in subsection (b) of this section.

(b) Real property conveyed pursuant to this Act shall be used for a public school.

Passed the House of Representatives June 29, 1987.

Attest: DONNALD K. ANDERSON,
Clerk.

II

100TH CONGRESS
1ST SESSION

H. R. 1744

IN THE SENATE OF THE UNITED STATES

JUNE 23, 1987

Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 108 of the National Historic Preservation Act is amended by striking "1987" and inserting in lieu thereof "1992".

Passed the House of Representatives June 22, 1987.

Attest: DONNALD K. ANDERSON,
Clerk.

Senator **Ford**. We will hear Senator Kennedy and Congressman Atkins first.

Senator, if you will come forward. Congressman, if you wish to join him. Both of you are supporting the Lowell National Historic Park.

STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator **Kennedy**. Thank you very much, Senator Ford.

I want to express my personal appreciation for the opportunity to be able to make a presentation here this afternoon with Congressman Atkins on a matter of very significant importance to what we believe is our country, our State of Massachusetts, and particularly to the city of Lowell, Massachusetts.

With your permission I will file my statement.

Senator **Ford**. It will be included in the record.

Senator **Kennedy**. I will respond to whatever questions you have.

This is an issue that your committee has historically been familiar with. We are here today to continue what has been an extraordinary partnership between the Federal government, the state and local governments, and also the private community that has brought about an extraordinary preservation and restoration of an historical tradition and culture of Lowell, Massachusetts.

Lowell, Massachusetts was really the Golden City of the industrial age. It was really the first of the great cities, not only of Massachusetts but of New England, that saw the benefits of the industrial age. But as it saw the benefits it was also one of the cities that was hardest hit when the industrial age, in the 1840's and 1850's, right up to the turn of the century, was the golden period. Then Lowell saw many of the products, the mills, the various products that were produced in those mills, the textiles and other fabrics, moved to another part of the country and eventually moved overseas.

The fact is that the early industrial period was really established in that community. We feel that that is a part of our national heritage. In the Congress we want to preserve fragile areas, open spaces for future generations. We do believe that an insight into a very important and significant part of our history is a part of American culture and a part of American tradition. It will be valuable for future generations in understanding a very important part of the American industrial development.

That was really the spirit in which the people of Lowell developed this Lowell Historic Park under the leadership of our recent colleague, Senator Tsongas, and fashioned the initial legislation. We are here today now to announce extraordinary success of that program. Some $40 million that has been put in by the Federal government has been matched with another $40 million by the state. In local contributions it has been matched by over $240 million in private investment.

It is one of the extraordinary examples of working together. But I daresay that if it hadn't been for the initial kind of input and the establishment of that infrastructure, that this miracle of the restoration of Lowell would not have taken place.

We are now at a very significant and important watershed period with the state accepting or taking by eminent domain the vast kind of canal area that adds a dimension which is truly extraordinary. With the final purchasing of some of the historic buildings there, we are right at the critical moment really in terms of this whole program and project.

What we are asking now is for an authorization of $12.1 million for a period of seven years so that those investments can be done expeditiously and thoroughly and financially sound, using those resources to leverage both the state and the private sector in a way which can really achieve the extraordinary preservation which we think is in the national interest.

The people of Lowell I think, Mr. Chairman, have done an absolutely extraordinary job in insuring that the investment which has been made by the Federal resources would be done effectively and be done judiciously. We have been proud to work very closely with them. We would hope that perhaps at some time in your travels you would have an opportunity, and the other members, to come there to Lowell to meet with the people and to see the extraordinary job that has been achieved and has been done.

We are very hopeful that we can gain the support of this committee. Congressman Atkins has been able to achieve the successful results over in the House of Representatives by reporting out the bill from their committee, and he anticipates an early vote by the House of Representatives in the very near future.

We thank you for giving us an opportunity to make this presentation. We are very hopeful that we will get support for completing this job. We want to go on record now to state that this really is the final feature or part of the Federal involvement and participation. We want to give those assurances to the committee.

We know we speak for Senator Kerry as well, who has been very active in supporting this whole program. We've worked very closely together, Senator Kerry and myself and Chet Atkins, and we continue to work closely with Paul Tsongas. We're hopeful we can get favorable consideration.

[The prepared statement of Senator Kennedy follows:]

from the office of

Senator Edward M. Kennedy

of Massachusetts

STATEMENT OF
SENATOR EDWARD M. KENNEDY
REAUTHORIZATION OF LOWELL HISTORIC
PRESERVATION COMMISSION
JULY 30, 1987

FOR IMMEDIATE RELEASE

I want to thank Senator Bumpers and the Committee for scheduling today's hearing on the reauthorization of the Lowell Historic Preservation Commission. I am pleased to join with my colleagues, Senator Kerry and Congressman Atkins, on behalf of the citizens of Lowell, to urge your continuing support for the restoration of the City.

Historically, Lowell was a symbol of the Golden -- and not so Golden -- Age of our Industrial Revolution. It was founded over a century and a half ago by entrepreneurs who were involved in some of the most advanced economic ideas of the era. It soon became one of the premier industrial cities in America, and it helped to plant the seeds of our modern industrial society. From the beginning, Lowell was a beacon of hope for thousands of immigrants who fled hardship and oppression in their lands, and found a better life in the textile mills. Their working class, ethnic neighborhoods and their traditions remain today as an important part of Lowell's history and culture.

Just as Lowell led the nation into the industrial revolution, so it was also among the first cities forced to confront the problems of urban blight and decay. In our own time, the once-thriving industry has suffered; the mills and boarding houses were closed, and the canals and transportation facilities deteriorated.

But the residents of Lowell did not curse the darkness - they lit a candle. Nearly fifteen years ago, the City leaders decided upon a bold course of action that has changed the lives of its citizens and preserved the remarkable heritage of Lowell for future generations of Americans.

In 1978, under the leadership of our former colleague Paul Tsongas, a law was enacted creating the Lowell National Historic Park and the Lowell Historic Preservation Commission. The law provided $40 million in park development funding. In addition, the State and local governments have invested $40 million in the Park district. The private sector has invested over $240 million in projects surrounding the Park.

A critical feature in the success of this venture has been the role of the Historic Preservation Commission. It has purchased and rehabilitated historic properties and managed the renovation of the park exhibits. The work of the Commission is not finished, but its authorization is due to expire next June.

Today, we are considering a bill that Senator Kerry and I have introduced to reauthorize the Commission for seven years and allow it to complete the work that has begun. Upon the expiration of this seven-year term, the Commission will cease to exist. $12.1 million is authorized in the bill for the Commission to manage the rehabilitation of the extensive, historic canal system, which was recently acquired by the Commonwealth of Massachusetts. Every federal dollar spent on the Commission has stimulated a private investment at a rate of nine to one.

This bill also authorizes $1.3 million for the completion of projects at Old City Hall, the renovation of the Suffolk Mill Turbine and the Moody Street Gatehouse.

Upon completion, the Park will enable visitors to walk through time by visiting the Market Mills Visitor Center, travelling in the historic downtown and State Heritage Park on trolleys or boats, and viewing the restored turbines that once generated power for the mill. The park is expected to attract more than 1.2 million visitors a year when it is completed.

But the true value of the Park is the new spirit that has developed in Lowell and the extraordinary opportunity it has provided for Americans to explore the roots of our country by rediscovering this long-neglected part of the nation's history.

I urge the Committee to act favorably on this bill, so that this remarkable and worthwhile project may be completed.

Senator FORD. Thank you, Senator.

Congressman, I know we haven't met very often, but your name is almost as well known as Senator Kennedy's down in my part of the country. Chet Atkins is something other than a Congressman.

STATEMENT OF HON. CHET ATKINS, A U.S. REPRESENTATIVE FROM THE STATE OF MASSACHUSETTS

Mr. ATKINS. Senator, I will promise you that my remarks will be shorter than a Chet Atkins single.

Senator FORD. Well, he's been pretty short in my opinion on a couple of occasions. Go ahead. I'm sorry.

Mr. ATKINS. But not as sweet perhaps. I appreciate very much your giving me the opportunity to testify on this very important bill. I appreciate the efforts of your committee in scheduling this hearing so soon.

I'd like particularly to thank Senators Kennedy and Kerry for their very, very strong demonstration of support for this commission and all of their work over the years in fulfilling the original vision of Paul Tsongas when he set up the Lowell Historical Park.

Mr. Chairman, when Paul Tsongas originally brought this proposal before the Congress with the very strong support of Senator Kennedy, he really had two purposes. One was to bring together the Federal, state, and local governments with the private sector to revitalize the economy of a city that was in very, very deep decline. Also, to preserve an important part of our national heritage.

On both counts the National Park has fulfilled our wildest expectations. Last year we had close to a million visitors come to the park. It really is nowhere near completed at this point. We for the first time in the national park system were able to tell the story of the industrial revolution, which I think is an important story to tell, and particularly important now as we prepare to enter the second industrial American revolution.

But beyond that and beyond that story of bricks and mortar is a story of how a very small Federal investment in a national park totally revitalized the spirit of the city. I could just tell you that this park and this investment has changed a city that was depressed, not just in its economy, but in the psyche of the city, into a city that is tremendously upbeat, a city that has a sense of the future, a sense of purpose, a genuine sense of community.

This park is clearly and by everybody's testimony the catalyst for that revitalization of the spirit of the city of Lowell. They're prepared to put in a very, very strong local investment and a state investment to make this park one of the crown jewels in the national park system. We would just greatly appreciate anything that you are able to do to give us the seven year extension for the Lowell Historic Preservation Commission.

I would put one caveat on Senator Kennedy's remarks. Congressman Tsongas, when he first pushed this legislation, said that ten years would be the end. I'm reluctant to say that anything will be the end on this park. No one knows what the future might hold. But the extension for seven years should certainly put us in very, very good shape.

[The prepared statement of Mr. Atkins follows:]

TESTIMONY OF U.S. REP. CHET ATKINS
BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER, AND RESOURCE CONSERVATION

JULY 30, 1987

I'D LIKE TO THANK SENATOR BUMPERS FOR SCHEDULING THIS HEARING SO QUICKLY AND ALLOWING THE SUPPORTERS OF LOWELL PARK THIS OPPORTUNITY TO MAKE OUR CASE FOR REAUTHORIZATION. I'D ALSO LIKE TO THANK SENATORS KENNEDY AND KERRY FOR THEIR STRONG DEMONSTRATION OF SUPPORT FOR THE COMMISSION, AND FULFILLING PAUL TSONGAS' ORIGINAL VISION OF WHAT THE LOWELL HISTORICAL PARK SHOULD BE.

TEN YEARS AGO, CONGRESS APPROVED THE ESTABLISHMENT OF THE LOWELL NATIONAL HISTORIC PARK. THE PARK WAS SET UP FOR TWO REASONS: TO SERVE AS THE CATALYST FOR BRINGING TOGETHER FEDERAL, STATE AND LOCAL GOVERNMENT WITH THE PRIVATE SECTOR TO REVITALIZE THE ECONOMY AND FOR CULTURAL PRESERVATION AND ENCOURAGEMENT.

THE STORY OF LOWELL IS THE STORY OF THE AMERICAN INDUSTRIAL REVOLUTION, AND WE'VE TOLD THAT STORY -- SUCCESSFULLY, AND ON BUDGET. IN PHYSICAL TERMS, THE DOWNTOWN CITY HAS UNDERGONE A

TOTAL TRANSFORMATION. IN CULTURAL TERMS, THIS IMPORTANT PIECE OF AMERICAN HISTORY HAS BEEN PRESERVED FOR FUTURE GENERATIONS.

BUT THE BRICKS AND MORTAR DON'T TELL THE STORY OF THE SOUL OF LOWELL'S PEOPLE, OF THE SPIRIT THAT FUELED OUR FIRST AMERICAN INDUSTRIAL REVOLUTION AND IS NOW THE SPARK FOR THE SECOND. BUILDINGS CAN'T ILLUSTRATE THE PRIDE IN COMMUNITY AND PRIDE IN PEOPLE THAT LED TO THE ESTABLISHMENT OF THE LOWELL PARK, AND MADE IT NOT ONLY A SUCCESS BUT A MODEL FOR THE REST OF THE COUNTRY.

THE CITY OF LOWELL IS A NATIONAL PARK THAT WAS ORIGINALLY A COMMUNITY VISION, CONCEIVED IN THE MIDST OF ECONOMIC DEVASTATION AND MADE A REALITY BY THE INTELLIGENCE AND IMAGINATION OF EVERY PERSON IN THE CITY. LOWELL'S RESURGENCE WAS BASED ON EDUCATION, ENTREPRENEURSHIP, AND AN INVESTMENT BY THE FEDERAL GOVERNMENT THAT SERVED AS AN INCENTIVE FOR PRIVATE INVESTMENT AND PRESERVATION.

THE LEGISLATION TO REAUTHORIZE THE LOWELL HISTORIC PRESERVATION COMMISSION FOR AN ADDITIONAL SEVEN YEARS IS BASED ON SUCCESS. LOWELL HAS BEEN SUCCESSFUL IN TRANSLATING ITS HERITAGE AND THE ENERGY OF ITS PEOPLE TO CREATE A SHARED SENSE OF PURPOSE

AND A VISION FOR THE FUTURE. LOWELL HAS ALSO BEEN SUCCESSFUL IN SHOWING WHAT THE SECOND AMERICAN INDUSTRIAL REVOLUTION WILL LOOK LIKE, AND TEACHING US WHAT THE FUTURE CAN BE FOR INDUSTRIAL CITIES IN DECLINE.

LOWELL IS ALSO THE ANSWER FOR THOSE WHO CHALLENGE US TO SHOW THEM FEDERAL PROGRAMS THAT WORK. IT ISN'T JUST THE DOLLARS OF STATE AND PRIVATE INVESTMENT SPAWNED BY EACH FEDERAL DOLLAR THAT MAKES THIS A SUCCESS. IT'S ALSO A VISIBLE COMMITMENT OF THE FEDERAL GOVERNMENT TO PRESERVATION AND TO THE FUTURE.

ONCE AGAIN, THE AMERICAN INDUSTRIAL REVOLUTION TAKES SHAPE AND DIRECTION FROM LOWELL. BECAUSE OF THE COMMISSION AND THE PARK, WHEN WE LOOK AT LOWELL WE CAN SEE FROM WHERE WE HAVE COME. BECAUSE OF THE COMMISSION AND THE PARK, WHEN WE LOOK AT LOWELL WE CAN SEE WHERE WE HAVE TO GO.

WE'D LIKE TO FINISH THE JOB. TODAY WE ASK YOUR HELP IN MEETING THAT FUTURE.

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Senator FORD. I thank you both. I know of no objections to your piece of legislation. I think that we ought to accept Senator Kennedy's invitation to come to Lowell and see what $40 million could generate.

If I have your figures right, Senator, that amounts to $320 million investment based on the leadership that came from here in establishing the area.

So I do thank you both. And Congressman, your full statement will be included in the record as if you'd given it.

Mr. ATKINS. Thank you very much, Senator.

Senator FORD. I thank you both for coming.

The next witness will be Senator DeConcini from Arizona and Congressman Kyl. Congressman, we're delighted to have you. Your full statement will be included in the record. If you want to highlight it, that would be fine.

STATEMENT OF HON. DENNIS DeCONCINI, A U.S. SENATOR FROM THE STATE OF ARIZONA

Senator DECONCINI. Mr. Chairman, thank you for letting us testify in front of many other very important witnesses that you have today on S. 648. I have to go to the Appropriations Committee for the 302 allocations and will have to leave. It's a great favor to me that you let me testify so quickly.

Senator FORD. We're delighted to accommodate you, Senator. Sorry I couldn't get here earlier.

Senator DECONCINI. This is a bill to convey approximately 60 acres of Forest Service land in Payson, Arizona to the Payson unified school district. This bill has the support of my distinguished colleague, Senator McCain, and myself. The legislation H.R. 1366 has passed the House of Representatives, introduced by Congressman Kyl, who represents this particular area.

We have unanimous support for this bill throughout our delegation. As I've testified before this committee in the past on other land conveyances to the town of Payson, I know the committee is familiar with the forest encroachment on small Arizona communities. Our state only has 15 percent private land altogether. I think this county is somewhere in the neighborhood of slightly under 4 percent of private land.

They are growing communities. This school is located on forest service land now. Congressman Kyl has put together a remarkable bill which Senator McCain and I have joined in introducing a similar bill in the House. We hope that this land can be transferred for school purposes only and that payments will be made based on appraised value to the Forest Service. Eventually when the payments equal the actual appraised value of the property, it will then be turned over to the district.

To me it makes good sense, and we hope that the committee will act favorably. I ask that the balance of my statement be printed in the record.

[The prepared statement of Senator DeConcini follows:]

Statement by Senator Dennis DeConcini before Committee on Energy and Natural Resources on July 30, 1987

S. 648, H.R. 1366, Land Conveyance to Payson Unified School District

Mr. Chairman and members of the Subcommittee, I want to express my thanks to you for scheduling a hearing this afternoon on S. 648, a bill to convey approximately 60 acres of Forest Service land in Payson, Arizona to the Payson Unified School District. This bill has the support of my distinguished colleague, Senator John McCain, and similar legislation, H.R. 1366, sponsored by Congressman Jon Kyl and cosponsored by the remaining members of the Arizona Delegation, has passed the House. As I have testified before this Committee in the past on other land conveyances to the Town of Payson, I know the Committee is familiar with the Forest's encroachment on this small Arizona community. I, therefore, will only take a few short minutes this afternoon to describe the present dilemma facing the Payson Unified School District and the need for the pending legislation.

Mr. Chairman, the land to be conveyed to the Payson Unified School District in this legislation has been used as the site of public school facilities for many years under special-use permits issued by the Forest Service. These permits, which expire in March, 1998, cover a total of 60 acres.

Over the past twenty five years, the Payson community has experienced considerable growth, and the demand for public school facilities has grown as well. This growth has required the expansion and improvement of public school structures and facilities on Forest Service land. With a very small amount of private land available for taxable purposes, the School District has limited ability to obtain the necessary funds for public instruction and maintenance of facilities. However, between 1961 and 1986, the Payson Unified School District, with permission of the U.S.F.S., invested over $4 million in building improvements and $92.5 million in land improvements at the existing school sites. This is a great deal of money for a small community. They would like to be assured that the investments will endure for the long-term and not be jeopardized when the special-use permits expire.

Albeit public instruction is the main activity undertaken at the school facilities, the school buildings and grounds have been used extensively by community groups for a large variety of community functions. In short, these lands have become an integral part of the educational and social developmental fabric of Payson.

For some time, the Payson Unified School District has been interested in securing title to the 60 acres of Forest Service land. Ownership of the lands by the School District will streamline administrative activities and reduce the enormous redtape involved in doing business with the Federal government. Due to budget restrictions, however, it has not been possible for the School District to purchase the land. Without some type of special arrangement, it is doubtful the District would ever be able to purchase the land.

There are many arguments in support of a transfer of the 60 acres of Forest Service lands to the School District. The lands are surrounded by private lands and have lost their National Forest character, and the Forest Service has no designated use planned for the land. Further, the School District has made significant improvements to the land with its limited funds and remains concerned about the continuing escalation of permit fees and its inability to come up with the funds necessary in one lump sum to purchase the land.

The House recently passed a companion measure, H.R. 1366, which I support. H.R. 1366, as passed by the House, would give the School District the option of acquiring the lands at anytime during a period of 30 years after enactment. Such acquisition would be conditioned on payment to the United States of the fair market value of the lands as most recently appraised by the

Forest Service. Credit would be given to the School District for for past lease payments and a cap on future increases in lease fees would also be provided.

In closing, I wish to express my strong thank you to the Committee members as well as staff who have been very generous and understanding of the problems facing a small community surrounded by Federal lands. Also, I want to thank and congratulate my colleague, Congressman Jon Kyl, who contributed significantly to passage of the House companion measure.

Mr. Chairman, I believe the logic of the House changes are sound and recommend approval of S. 648 with all amendments included in the final House bill.

Senator FORD. It will be included in the record, Senator. Congressman?

STATEMENT OF HON. JON KYL, A U.S. REPRESENTATIVE FROM THE STATE OF ARIZONA

Mr. KYL. Thank you, Senator.

In view of the time, I would submit my written statement for the record.

Senator FORD. We'll be delighted to put it in the record in full.

Mr. KYL. Thank you. I would simply make a couple of quick points.

Senator DeConcini was absolutely right. In this county only 3 percent of the land is in private ownership and subject to the property tax which supports education. In this area only one half of one percent is in private hands.

As a result, it has one of the highest tax rates in the state. This county has the highest for school purposes. So it is a very difficult thing for a school district to support itself in the traditional fashion in this particular community which has been the subject of previous support by the Congress.

When I originally introduced the bill it was for a direct conveyance, free in effect, to the school district. The Department, I think properly, raised the objections that they did and the concerns of the taxpayers of the country. As a result, we worked out a compromise, which as Senator DeConcini says results in the payment of the appraised fair market value of the land, but over the 30 years. Hence, the benefit to the school district.

As a result, we think it's a fair compromise both for the people of the area and for the taxpayers of the country. For that reason we are all strongly and unified in our support for the bill.

[The prepared statement of Mr. Kyl follows:]

REMARKS OF

THE HONORABLE JON KYL

BEFORE THE SUBCOMMITTEE ON

PUBLIC LANDS, NATIONAL PARKS AND FORESTS

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

JULY 30, 1987

MR. CHAIRMAN, and members of the Subcommittee, I want to thank you for scheduling this hearing today on H.R. 1366, the bill to convey 60 acres of Forest Service land to the Payson Unified School District which is located in Payson, Arizona, in my Congressional district. Your early consideration of the bill proves to the people of Payson that government can -- and does -- work for them. They are faced with a serious problem, and you are responding less than 5 months after the bill's introduction.

I also want to thank Senator DeConcini and Senator McCain for introducing the legislation in the Senate, and for all of their help in securing early action on the bill.

Finally, I want to express appreciation, on behalf of the Arizona delegation, to Marianne Morrison, the President of the School Board, for being here today to help represent the concerns of the School District.

Mr. Chairman, the School District has occupied 45 acres of Forest Service land in Payson since 1961, and the entire 60-acre site since 1965. It has made over $4.4 million worth of improvements on the land to date, and bond issues have been passed over the last 3 years to finance construction of other needed school facilities. In exchange for the use of the land, the School District has paid special use permit fees to the Forest Service since 1972.

The arrangement worked well for both the Forest Service and the School District until this year, when the School District learned that the fee would jump 515% -- from $3,528 in 1986 to $21,690 in 1987.

The School District simply could not afford that huge increase, and it appealed to the Forest Service last fall. The Forest Service subsequently agreed to phase in the increase over a 3-year period. The fee is now scheduled to jump to $10,845 this year -- still more than 3 times the 1986 level -- to $16,268 in 1988, and the full $21,690 in 1989.

Those large increases would be difficult for any school district to afford. But Payson is especially hard-pressed to deal with the skyrocketing fees. The people of Payson, and Gila County, already bear the highest county property tax rate in the state of Arizona. The town is plagued with high unemployment -- about 20% -- due, in large part, to the depression in the copper industry. About 60% of the population is unemployed.

The School District's resources are stretched to the limit.

But there is another significant factor at work here. In Gila County, only 3% of the land is privately-owned and on the tax rolls. In the Payson area of northern Gila County, private ownership is only one-half of one percent. It is not hard to see how difficult it is to support education through property taxation, or how devastating even a small permit fee increase can be -- let alone, the 515% increase the Forest Service would impose.

H.R. 1366, as introduced, provided for an outright conveyance of the 60 acres of Forest Service land to the School District. Though a conveyance is the option we chose, I think we all recognized that there was a legitimate concern about an outright "gift" of the land, so we worked hard in the House to reach a fair and workable compromise. The middle ground is represented in the bill before you today -- the bill that passed the House on June 29th.

The compromise bill would allow the Forest Service to charge the School District an annual fee of no more than $12,500. That represents an increase over the current $10,845, but is less than the $16,268 fee that would otherwise be effective for next year. At any time during the next 30 years, the School District can apply for conveyance of the land in return for payment of an amount set forth in the legislation. The payment amounts to the value of the land as determined in last year's Forest Service appraisal -- $425,000 -- plus administrative costs for preparation of title and legal description. From that amount will be subtracted all payments made by the School District on the special use permit, including the $56,691 paid since 1961.

To protect the interests of the U.S. taxpayer and ensure that only the School District benefits from these favorable terms, the bill includes a reverter clause.

Mr. Chairman, this is a fair compromise -- one that the School District can live with, and one that keeps faith with the American taxpayers. I urge the Committee's early and favorable consideration of the bill.

PAYSON
UNIFIED SCHOOL
DISTRICT
#10

OFFICE OF THE SUPERINTENDENT
POST OFFICE BOX 919 • PAYSON, ARIZONA 85547-0919

PAYSON UNIFIED SCHOOL DISTRICT
UNITED STATES FOREST SERVICE
LAND ACQUISITION
SCHOOL SITE
TESTIMONY OF MARIANNE MORRISON
JULY 30, 1987
BEFORE THE SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
SUB-COMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS, AND FOREST
CHAIRMAN
SENATOR DALE BUMPERS

Chmn. Bumpers, members of the committee, on behalf of my fellow board members and citizens of the Payson Unified School District, I wish to thank you for the opportunity to appear before you to discuss this issue that is vital to all of the citizens of our community.

To begin with, I would like to present to you a brief history of what has transpired with respect to this land and its use from the beginning of the school district's involvement with it from 1961 to the present.

In 1961, Payson School Board entered into an agreement with the U.S. Forest Service for a special use permit, for the express purpose of building school facilities on 45 acres of land owned by the Forest Service. On this ground the first buildings were erected, and education was begun. However, because of growth, it was evident that more land was required and the district worked with the U.S. Forest Service to acquire a second use permit consisting of 15 acres. In 1965, Payson School Board was granted a U.S.F.S. special use permit for an additional, adjacent 15 acres, thus bringing the total acreage to 60, which has continued to this date.

Since 1961, the Payson area has experienced a considerable school population growth. This has required expansion and improvement of structures and facilities on these 60 acres. Between 1961 and 1986, Payson School District, with permission of the U.S.F.S., has invested $4,337,175.89 in building improvements and $92,525.65 in land improvements:

	LAND	BUILDINGS
1961		$ 387,700.00
1964		480,800.00
1971		48,600.00
1974		54,000.00
1976		151,325.80
1979		1,450,000.00
1981		218,663.00
1983	$ 5,315.14	41,126.27
1984	20,371.65	32,149.09
1985	17,523.87	303,143.63
1986	49,314.99	1,169,668.16

During these years, the school buildings and grounds have been more than just educational centers for the district's children. The buildings and grounds have been extensively used by community groups for recreation, fine arts activities, scouts, booster clubs, college extension classes, chamber of commerce, and many special interest group meetings.

In addition to the many uses of the facilities by local organizations, as mentioned above, during the summer months our facilities receive a tremendous amount of use by the Town of Payson's recreation department. Our classrooms are used for arts and crafts activities, our gymnasium facilities are used continuously for weight lifting, basketball, and physical fitness programs for citizens of the area. The parks and recreation department also sponsors an intensive summer ball program consisting of baseball and softball for citizens of the area that range from T-Ball for five year olds through softball for adults and senior citizens.

The school district has made a commitment to open its facilities to the community, and at the present time is engaged in a building program that has dedicated a sizeable portion of that building program to serving the community by constructing an auditorium. With the addition of the new auditorium, now under construction, and due to be opened in the Spring of 1988, when completed will be the only facility of its kind within one hundred miles of Payson. There is already consideration being given to use this facility as a fine arts center for central Arizona, thus providing a quality of life which has been lacking in our community for many years. We can only speculate the number of people who will use this facility in the future. Indications are that we can anticipate community use of all school facilities doubling or tripling over the next two years. Our school district and its facilities are truly becoming a community center with a considerable amount of our community activities centered in the schools.

This, then, brings us to our purposes for being here today. The Payson Unified School District is interested in securing deed to the sixty acres in the special use permit. (see exhibit A.) In reality the sixty acre use permit actually consists of 51.6 acres due to an agreement with the U.S.F.S. to remove that acreage that is designated as rights-of-way. The use permit expires on 3-16-98, at which time the school district would be required to purchase the land from the U.S.F.S. or to secure a new use permit for the land. It is not known if the U.S.F.S. would grant an additional permit when the current one expires. There is however, a second problem with the use permit, that being that from 1978-86 the use permit increased slightly from $2850 to $3528. In 1987 and projected through 1989, the increase has escalated 515% from the $3528 in 1986 to $21,690 in 1989. It is not known what the fee would be at the expiration of the lease in 1998. Another problem is that at the present time, the U.S.F.S. has appraised the 51.6 acres now being used by the school district at $8042 per acre for a total price of $425,000. It is known, that at the present time, the school district cannot afford to purchase the land for the price as provided by the U.S.F.S., and it is doubtful that the district would ever be able to purchase the land in the future. For this reason, the Payson Unified School District is requesting that the 51.6 acres be conveyed as a gift to the school district by the U.S.F.S.

There are only two ways that the school district has as a means to purchase this land in question. The first is out of the district's budget moneys, and the second is by passing a bond election specifically designated for that purpose. In examining the current budget of this school district, only $5,000 is in contingency. All other money has been allocated to meet the educational needs of our students. Due to the State Legislature formulating a per-student equalization rate for every school district in Arizona, our capital budget has been reduced considerably from 1985-86 in the amount of $798,541.00 to $402,321.39 for the 1986-87 school year.

With respect to bonding, our community has basically supported education. Last year the voters of the district passed a $7,705,000.00 bond issue for the construction of another elementary school, Jr. High classroom wing, auditorium and other improvements for handicapped access ways at the high school.

In looking at the possibility of future bonding, there are a number of facts that must be considered. First, the combined tax rate for residents of Gila County will be approximately $12.73 per $100.00 A/V, making it the highest in the state next year. Secondly, the voters of the district just turned down a tax levy for Gila County to establish a community college. This in itself is an indication that the citizens in our area are feeling the pressure of facing the highest tax rate in the state. Thus, the chances of the school district passing another bond issue for the purpose of purchasing this land are not good.

A third problem facing the school district, when it comes to finances, is that only one half of one percent of all the land in northern Gila County is privately owned. The remaining 99.5% of the land belongs to the federal government in one form or another. This creates a tremendous tax burden on the citizens.

If one looks at the current site, and all of the improvements that have been made to it by the district, it is not likely that the U.S.F.S. could interest a developer in purchasing the sixty acres. Some of the land now being used as playgrounds and athletic fields would be useable by a developer. However, it is doubtful that any of the existing buildings could be converted for any suitable use other than a school, due to zoning restrictions by the Town of Payson. Therefore, it is not conceivable that a developer would purchase the property, and be willing to spend the money to raze the buildings (see Exhibit B) on the site in order to develop the property in an economical fashion.

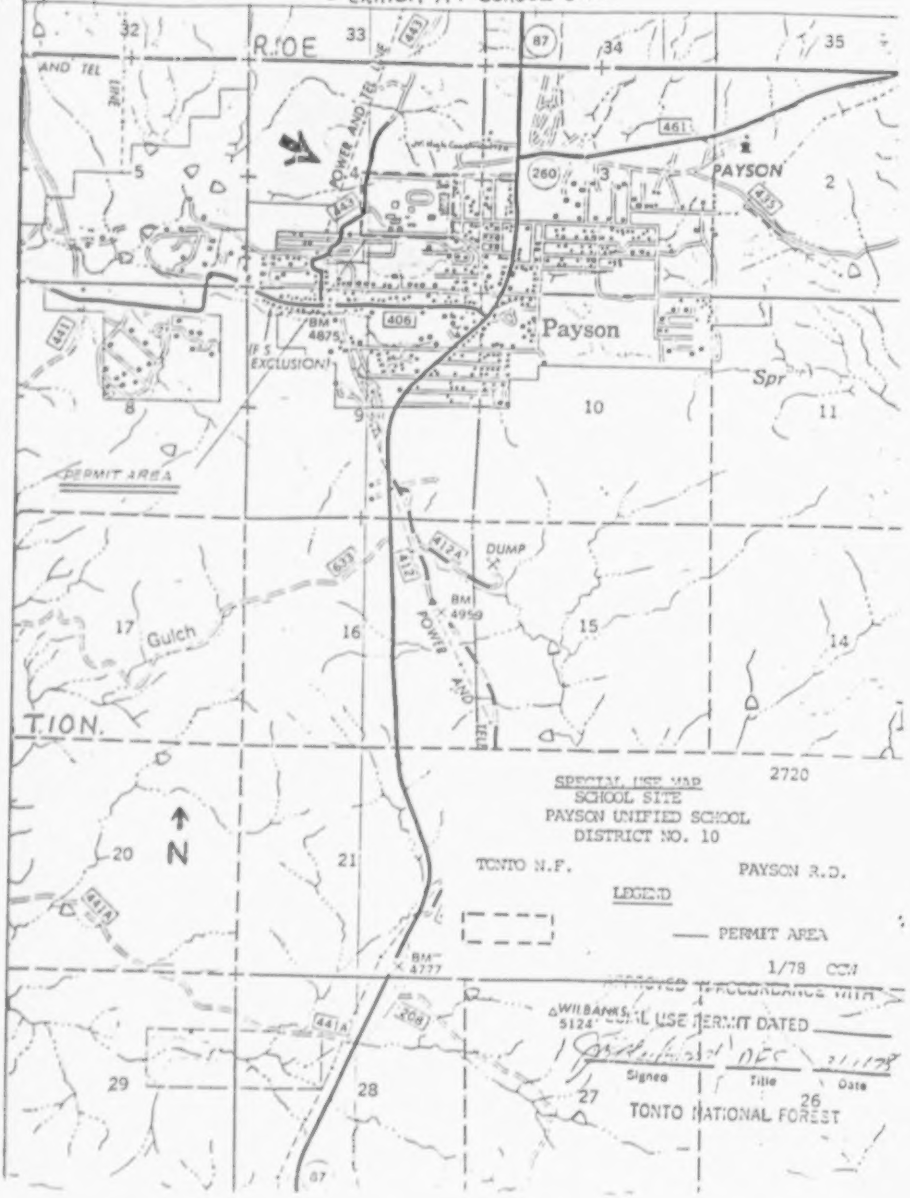
The conveying of this land to the school district is not inconsistent with the long range goals of the Tonto National Forest. In January, 1985, the Tonto National Forest published its "Summary of the Tonto National Forest Draft Environmental Impact Statement and Proposed Forest Plan." In this document they state "Land Exchanges" would remain at the current level of approximately 300 acres per year for all alternatives. The Proposed Action provides for changes in currently identified base for exchange lands in the Payson and Young areas. A reduction 4,500 acres of base-for-exchange land is needed in the Payson vicinity to reflect results of recent master planning by that city.

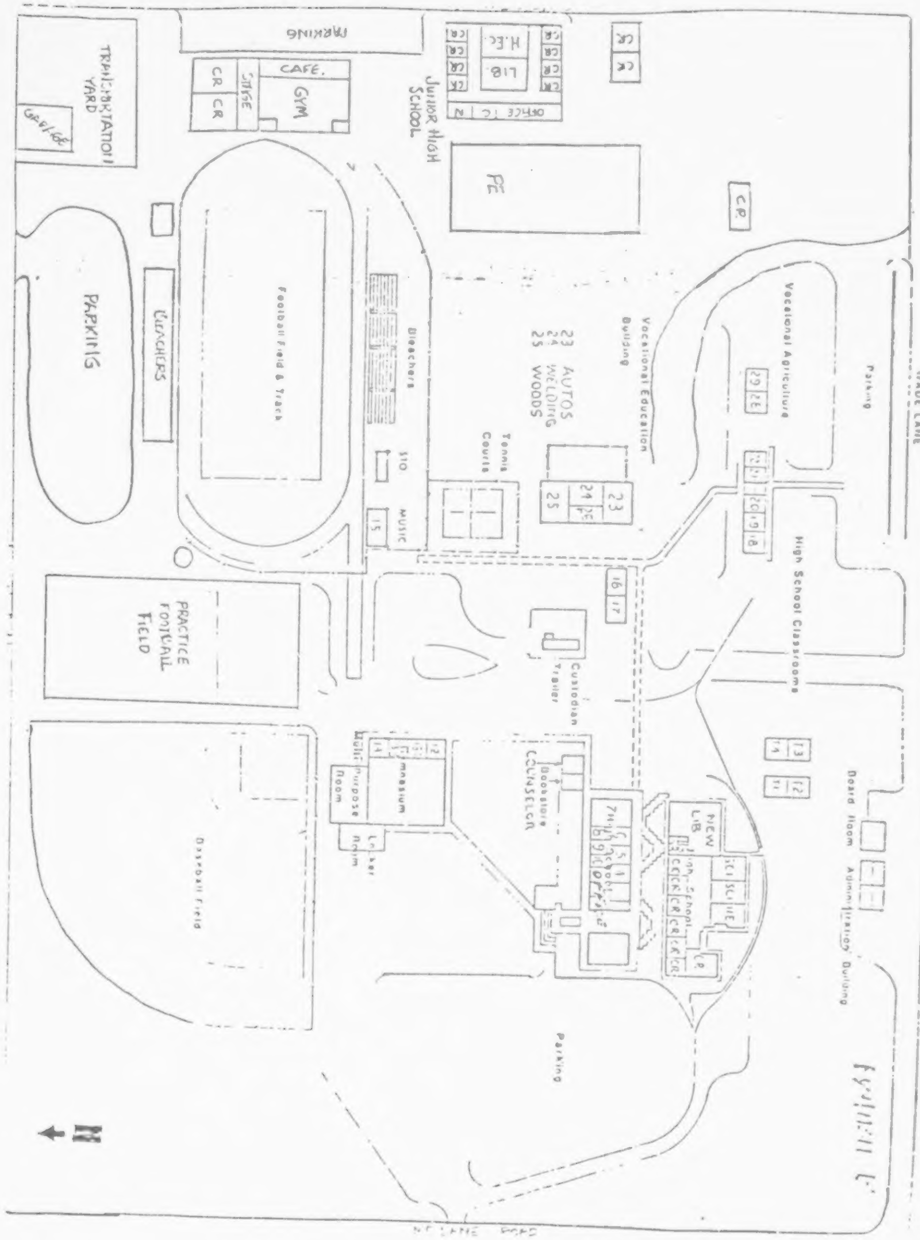
By reviewing the attached map of Pasyon marked Exhibit "C" it is easy to see that the U.S. Forest Service is moving in that direction. The area marked with yellow is the land that is owned by the Forest Service at this time. All land owned by the Forest Service within the town boundaries is available for trade to private developers.

In conclusion, to convey this land to the Payson Unified School District will not change the use that this land has had for the past twenty-five years. It has been and will continue to be used as a school site consistent with the designated use as provided by the original use permit granted to the school district in 1961. The land has, for the past twenty-five years, been used as public land for the purpose of educating children. The land will continue to be used for that purpose. The school district has, from its inception, fostered a policy of public use of its facilities. As mentioned earlier, it is the intent of the school district to increase the use of its facilities by the public, making the school site a center for community activities.

Mr. Chairman, again, I thank you for the privilege of speaking to you today on the matter of Payson School Site. As stated at the beginning of this testimony, this is a vital issue for the Payson Unified School District, and one that I hope you and your committee can look on with favor.

EXHIBIT A : SCHOOL SITE


32
33
34
35
R.10E
87
461
260
PAYSON
2
5
4
3
435
406
BM 4875
Payson
F S EXCLUSION
Spr
8
9
10
11
PERMIT AREA
POWER AND TEL LINE
DUMP
412A
412
633
BM 4959
17
Gulch
16
15
14
POWER AND TELE
T.10N.
20
N
21
441A
BM 4777
208
WILBANKS 5124'
29
28
27
26
87
SPECIAL USE MAP
SCHOOL SITE
PAYSON UNIFIED SCHOOL
DISTRICT NO. 10
2720
TONTO N.F.
PAYSON R.D.
LEGEND
PERMIT AREA
1/78 CCM
APPROVED IN ACCORDANCE WITH
SPECIAL USE PERMIT DATED
DFC
2/1/78
Signed
Title
Date
TONTO NATIONAL FOREST


PARKING
TRANSPORTATION YARD
Garage
CR
CR
STAGE
CAFE.
GYM
JUNIOR HIGH SCHOOL
H.EC.
LIB.
CR
OFFICE
PE
C.R.
PARKING
BLEACHERS
Football Field & Track
Bleachers
23 AUTOS
24 WELDING
25 WOODS
Vocational Education Building
Vocational Agriculture
Parking
WADE LANE
Tennis Courts
MUSIC
15
23
24 PE
25
16
17
18
19
20
High School Classrooms
PRACTICE FOOTBALL FIELD
Custodian Trailer
Bookstore
COUNSELOR
Gymnasium
Multi-Purpose Room
Locker Room
Baseball Field
NEW LIB.
High School
SCI
HE
Board Room
Administration Building
Parking
N

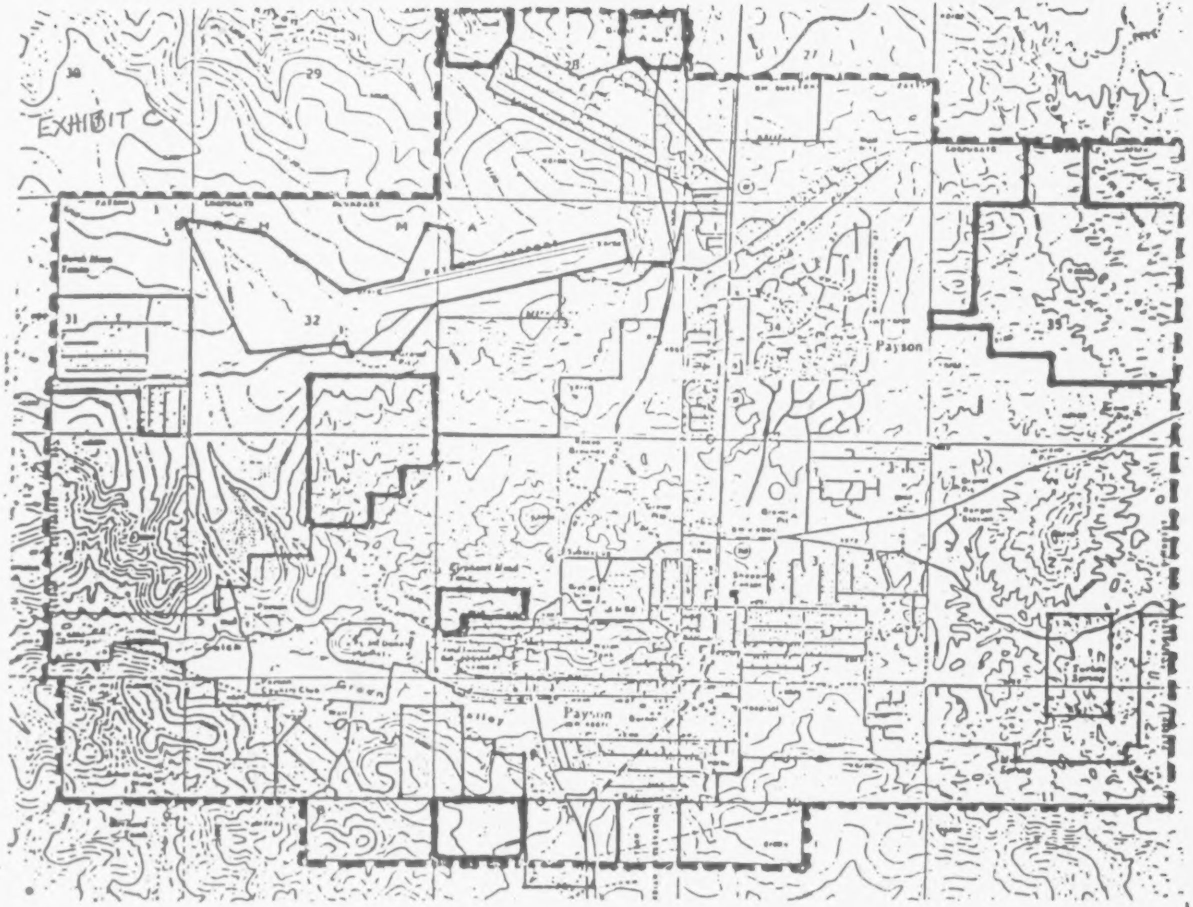


EXHIBIT C
30
29
28
27
31
32
35
Payson
Payson
Green
Valley

Senator FORD. It's not a large tract of land. It's about 60 acres. Is that it?

Mr. KYL. That's it. All of which is for school purposes. And there is a reverter clause so that if it is ever used for any other purpose it comes right back to the Federal government.

Senator FORD. Why is there a need for such a large acreage? Would it be a high school complex?

Senator DECONCINI. The school is already there.

Senator FORD. Sir?

Senator DECONCINI. The school is already on the 60 acres.

Senator FORD. Oh, it's already on the 60 acres.

Senator DECONCINI. They've been leasing it under a lease permit for, I don't know, how many years?

Senator FORD. And that lease expires I believe in 1988, if I remember. Am I correct in that? 1998? All right.

Mr. KYL. It's a high school and junior high school, Mr. Chairman.

Senator FORD. That's fine. I can understand the complex. I come from mountainous area. We've played football on 75 yards instead of 100 yards because we couldn't find anymore flat land. So when you got them up there in our yard, they didn't understand 75 compared to 100, so we usually won.

But I do thank you for your testimony today. I know of no criticism before the committee. We'll do our best to expedite it for you. Senator DeConcini has always been one who has pushed very hard in a kind of a soft sort of way. But I know you'll do your job.

Senator DECONCINI. I thank the Chairman for it.

Senator FORD. Thank you.

Mr. KYL. Thank you very much.

Senator FORD. I understand Senator Kerry is here. Senator Kerry, would you like to come on here now? Your two colleagues are here. And Senator Graham, would you like to come onto the table now? You can testify. We have two separate ones.

I know how busy we are this afternoon. I don't want to push. I want to give you adequate time to make your presentation.

So Senator Kerry, if you want to make your statement on Lowell.

STATEMENT OF HON. JOHN F. KERRY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator KERRY. Thank you very much, Mr. Chairman.

I appreciate it. I appreciate your expediting our appearance here. I will be very, very quick.

If I may, I would like to ask unanimous consent of the committee to have testimony by Governor Dukakis, as well as Lieutenant Governor Evelyn Murphy, placed in the record.

Senator FORD. Without objection, it will be included.

Senator KERRY. I would also ask that my statement be included in the record.

Senator FORD. It will be included in full as if given, along with the governor's and lieutenant governor's.

Senator KERRY. Thank you very much, Mr. Chairman.

I am here to testify in favor of the reauthorization of $12.1 million over seven years for the Lowell Park and Park Commission. I know the Senator is very, very familiar with this. He was a good friend and is a good friend of my predecessor, Paul Tsongas.

Paul succeeded in getting this passed in 1978. I used to live in Lowell and I lived in Lowell when it had 15 percent unemployment for 15 or 20 years in succession. It was viewed by many people as being an example of a dying city, if not a dead city. Many people had lost hope in it.

I can say to the Senator and to this committee that nothing has had greater impact in helping to revitalize Lowell than the commitment of the Federal government to the park and to the park commission. For every dollar of Federal money invested, nine dollars of private money was leveraged. Some 800,000 visited this national urban park last year. It's the only urban park of its kind in the nation.

It chronicles the heritage of this country in terms of both planned cities and the great textile era and the era of the industrial revolution. But it's unfinished, Mr. Chairman. It is not yet complete.

There is a canal system yet to be developed, six miles of canal, the locks, the buildings that are attendant to that. I am convinced—as lieutenant governor of the state I was very much involved in the development action grant program and in the industrial bond program and in leveraged investment. I am convinced that this continued investment are dollars extremely well spent by the Federal government.

It will represent the following through on a commitment which I think is an important message for the Federal government to send in this era. And finally, I think it will permit us to draw even more people to that part of the country and set an example for other communities around the country which have similar attributes that have never been tapped.

There are many such opportunities in the west and in the south and midwest, in the country. I know that mayors of other cities, members of planning commissions and others have visited Lowell to see that. The Prince of Wales was there from Great Britain last year. In fact, he went back so impressed that he has created a similar effort in England. There is now a sister city relationship as a consequence of that visit.

So it is my hope that the committee will feel that in fact the dollars have been well spent and that Lowell should be rewarded for its excellent job to this point by being permitted to finish the job that was started.

I thank the Chair.

[The statements of Senator Kerry, Governor Dukakis and Lieutenant Governor Murphy follow:]

Statement by Senator John Kerry
Subcommittee on Public Lands,
National Parks and Forests
Reauthorization of the Lowell
Historic Preservation Commission

July 30, 1987

Chairman Bumpers and other members of the Subcommittee, I want to commend you and thank you for holding today's hearing on the reauthorization of the Lowell Historic Preservation Commission. In April I introduced S. 1012, which extends the life of the Lowell Historic Preservation Commission for seven years. It authorizes $12.1 million dollars to be used by the Commission for the preservation and development of the 6 mile canal system, the largest in the country, as well as completes and expands a number of cultural and folklife programs.

As you know, the Lowell Historical Park and the Commission were established in 1978 under the leadership of my predecessor and the one most responsible for its creation, Senator Paul Tsongas. At that time, Lowell, like so many of our cities and towns throughout the northest was suffering at the expense of their maturing industries. None the less, Paul Tsongas had the foresight to understand what a historical park would mean to a depressed mill town. It was his dream today that has proven a reality.

A typical Cinderella story, this project transformed a depressed mill town with a 13% unemployment rate, into a thriving community which currently boasts the low unemployment rate of 3.3%. Lowell was America's first planned industrial city and today it is one of the nation's

MOST SUCCESFUL HISTORICAL URBAN PARKS. IT IS IMPORTANT THAT CONGRESS UNDERSTANDS THE EXTENT TO WHICH THE COMMISSION AND THE PARK HAVE CONTRIBUTED TO THE CITY. TEN YEARS AGO, I LIVED IN LOWELL AND BELIEVE ME IT WAS A TOWN WHERE YOUNG FOLKS WERE JUST WAITING UNTIL THEY WERE OLD ENOUGH TO GET OUT AND MOVE ON. JACK KEROUAC FOR EXAMPLE BORN IN LOWELL, LEFT AND HAS BEEN ON THE ROAD EVER SINCE.--TODAY HOWEVER, THE CITY HAS A POSITIVE SELF-IMAGE AND IS TREMENDOUSLY SUCCESSFUL AT ATTRACTING NEW ENTERPRISES AND EXPANDING CURRENT BUSINESSES.

LOWELL HAS TAUGHT US SEVERAL IMPORTANT LESSONS, ONE OF WHICH IS THAT HISTORIC PRESERVATION AND ECONOMIC REVITALIZATION GO HAND IN GLOVE. THE LOWELL HISTORIC COMMISSION HAS PROVEN THAT ALL TOO WELL. WITH ITS UNIQUE AUTHORITY TO WORK WITH BUSINESSES, THE COMMISSION HAS BEEN ABLE TO LEVERAGE SIGNIFICANT PRIVATE SECTOR INVESTMENTS. TO DATE, APPROXIMATLEY $240 MILLION IN PRIVATE DOLLARS, HAS CONTRIBUTED TO THE CITY'S REJUVENATION. FURTHERMORE, THE COMMISSION HAS ALSO BEEN SUCCESSFUL IN ATTRACTING STATE AND LOCAL FUNDS EQUALLING ABOUT $40 MILLION, TO MATCH THE $40 MILLION IN FEDERAL FUNDS. THIS DRAMATIC OUTPOURING OF PRIVATE INVESTMENT COUPLED WITH PUBLIC DOLLARS HAS HELPED THE ECONOMIC REVITALIZATION OF THE CITY AND HAS CONTRIBUTED TO THE SPECIAL SENSE OF PRIDE AND PURPOSE THAT IS THE MODERN LOWELL STORY. THAT WAS WHAT THE ORIGINAL REAGAN DOCTRINE WAS ALL ABOUT. WE'VE SEEN THE RESULTS, AND THEY ARE GOOD. A

PARTNERSHIP WHOSE PUBLIC TO PRIVATE INVESTMENT IS 9 TO 1, IS A PARTNERSHIP THAT ANY CITY IN AMERICA CAN LEARN FROM.

NOT TOO LONG AGO, IT WAS WIDELY THOUGHT THAT LOWELL HAD SEEN ITS HEYDAY AND LACKED THE NECESSARY RESOURCES TO PRESERVE LANDMARK BUILDINGS OR TO BENEFIT FROM ITS RICH INDUSTRIAL REVOLUTION HISTORY. FORTUNATELY, HOWEVER, CONGRESS AND A SMALL GROUP OF DEDICATED CITY PLANNERS AND PRIVATE INDIVIDUALS HAD THE WISDOM TO TRY SOMETHING NEW. THEY TOOK A CHANCE AND AUTHORIZED THE LOWELL NATIONAL PARK AND COMMISSION, AND THE GAMBLE PAID OFF. THIS REVITALIZATION EFFORT HAS HELPED PRODUCE 22,000 NEW JOBS IN THE REGION SINCE 1970. LOWELL STANDS PROUD TODAY AS THE BLUE PRINT FOR OLDER INDUSTRIAL CITIES THAT ARE SEARCHING TO PRESERVE THEIR OWN CITIES AND REJUVENATE THEIR OWN ECONOMIES. OTHER STATES TOO, CAN BENEFIT FROM THEIR OWN RICH HERITAGES. WESTERN MINING TOWNS, DECAYING STEEL COMMUNITIES, MATURING INDUSTRIAL CITIES CAN NOW LOOK TO LOWELL, MASSACHUSETTS AS A MODEL.

EQUALLY IMPORTANT TO THE ECONOMIC GAINS THAT LOWELL HAS MADE, IS THE PRESERVATION OF THIS CRITICAL ERA IN AMERICAN HISTORY. IN MASSACHUSETTS WE ARE VERY CONSCIOUS OF HOW RICH OUR STATE IS IN PLACES OF HISTORICAL SIGNIFICANCE TO THE NATION AS A WHOLE. WE TAKE OUR STEWARDSHIP RESPONSIBILITY SERIOUSLY AND ARE VERY PROUD OF OUR SUCCESSES IN PRESERVING LANDMARKS OF AMERICAN HISTORY LIKE THE BUNKER HILL MONUMENT, THE OLD NORTH CHURCH AND FANEUIL HALL TO NAME A FEW. LAST

YEAR OVER 800,000 INDIVIDUALS VISITED LOWELL'S UNFINISHED PARK. IMAGINE WHAT WE CAN EXPECT WHEN THE CANAL SYSTEM AND THE LOCKS ARE COMPLETED AND WHEN THE BUILDINGS WHERE THE MILL GIRLS WORKED AND LIVED ARE FINISHED, NOT TO MENTION THE FOLK LIFE EXIBITS. THE PARK IS A PLACE WHERE PEOPLE OF ALL BACKGROUNDS CAN LEARN ABOUT THE POSITIVE CONTRIBUTIONS MADE BY THEIR ANCESTORS. IT IS NOW A PLACE WHERE STUDENTS CAN LEARN FIRST HAND ABOUT THE PEOPLE WHO MADE AMERICA WORK. UNLIKE MOST FEDERAL MONUMENTS AND PARKS, LOWELL PARK IS NOT A TRIBUTE TO A NATIONAL HERO. IT IS NOT IN MEMORY OF OUR SOLDIERS WHO RISKED THEIR LIVES DEFENDING OUR COUNTRY IN BATTLE. LOWELL PARK IS A REALISTIC DEPICTION OF AN URBAN ERA IN AMERICAN HISTORY. AND WE HAVE THE OPPORTUNITY TO COMPLETE THE JOB AND PRESERVE THIS TIME PERIOD FOR GENERATIONS TO COME.

BUSINESSMEN, ELECTED OFFICIALS, AND CIVIC LEADERS HAVE COME FROM ALL OVER THE WORLD TO SEE HOW THIS MIRACLE WORKS. IT IS ESTIMATED THAT OVER ONE MILLION PEOPLE WILL VISIT THE PARK IN 1990. JUST A FEW YEARS AGO, THE PRINCE OF WALES VISITED LOWELL. SINCE THAT VISIT HE HAS ESTABLISHED A SISTER CITY RELATIONLSHIP BETWEEN LOWELL AND AN OLDER, HIGHLY INDUSTRIALIZED AREA OF GREAT BRITAIN. THIS DUAL RELATIONSHIP WAS BASED SOLELY ON THE PROMISE THAT THE PRINCE WITNESSED DURING HIS TRAVELS THROUGH THE CITY. I FEEL CONFIDENT THAT WE HAVE ONLY SEEN THE BEGINNING. LOWELL WILL CONTINUE TO GROW AND WILL PROSPER.

SOME MAY ASK WHY-- AFTER HEARING THIS SUCCESS STORY, DOES LOWELL NEED ADDITIONAL FEDERAL DOLLARS. THE ANSWER IS SIMPLE. AT THE OUTSET OF THE PROJECT, THE CITY NEVER DREAMED THAT IT COULD AQUIRE THE HISTORIC CANALWAY SYSTEM WHICH DEPICTS HOW ENERGY WAS TRANSMITTED AND HOW GOODS WERE TRANSPORTED. BUT LAST YEAR THEY WERE GIVEN THE OPPORTUNITY TO JOINTLY RESTORE THIS DESIGNATED NATIONAL HISTORICAL LANDMARK WITH THE COMMONWEALTH, AND GIVEN THE OPPORTUNITY TO REBUILD THIS IMPORTANT PART OF HISTORY. THE LOCKS ARE BEING RENOVATED, THE GATEHOUSES PRESERVED AND THE CANALWAY ITSELF IS BEING REVITALIZED. IN ADDITION, BUILDINGS THAT WERE NOT AVAILABLE TO THE COMMISSION TO RENOVATE ARE NOW THEIRS AND CERTAIN LANDS THAT ARE FEDERAL, MUST BE DEVELOPED WITH FEDERAL MONIES. BUT MOST IMPORTANTLY, TO UNDERSTAND THE REASON FOR A CONTINUED FEDERAL COMMITMENT IS TO UNDERSTAND WHY LOWELL HAS BEEN SO SUCCESSFUL. THE COMBINED EFFORTS OF STATE, LOCAL, FEDERAL AND PRIVATE DOLLARS ARE THE INGREDIENTS OF A RECIPE THAT WORKS. IMAGINE WHAT IT WOULD BE LIKE IF THE OTHER ENTITIES OF THIS PARTNERSHIP GREW TIRED AND DECIDED TO PULL OUT. IT WOULD BE LIKE DRIVING A CAR WITH ONE FLAT TIRE. A 9 TO 1 PUBLIC PRIVATE RATIO IS ENOUGH OF AN ANSWER FOR ME AS TO WHY THE FEDERAL GOVERNMENT SHOULD UPHOLD ITS COMMITMENT TO FINISH THE LOWELL PROJECT.

ALTHOUGH THE FIRST DECADE HAS BEEN A REAL SUCCESS THE JOB TO RESTORE A PIECE OF THE INDUSTRIAL REVOLUTION IS NOT

YET FINISHED. TODAY I COME BEFORE THIS COMMITTEE AND ASK YOU TO HELP FINISH THIS CHAPTER IN THE LOWELL PRESERVATION PORJECT BY AUTHORIZING THE HISTORIC PRESERVATION COMMISSION FOR AN ADDITIONAL SEVEN YEARS. THANK YOU.

I ASK FOR UNANIMOUS CONSENT TO INSERT INTO THE RECORD A STATEMENT BY THE GOVERNOR OF MASSACHUSETTS, MICHAEL DUKAKIS AND A STATEMENT BY THE LIEUTENANT GOVERNOR, EVELYN MURPHY.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133

MICHAEL S. DUKAKIS
GOVERNOR

July 23, 1987

The Honorable Dale Bumpers, Chairman
Subcommittee on Public Lands, National
Parks, and Forests
United States Senate
Room 308, Dirksen
Washington, D.C. 20510

Dear Dale:

I am requesting your support to extend the Lowell Historic Preservation Commission and its work to help restore one of our nation's most significant historic resources--the Lowell Canal System. Listed on the National Register of Historic Places and as a National Engineering Landmark, Lowell's 5.6 miles of Canals represent the dawn of the industrial revolution in American.

In 1976, as Governor of the Commonwealth of Massachusetts, I pledged $9 million to support the preservation and restoration of this precious historic resource through the establishment of the Lowell Heritage State Park. I am pleased to report to you today that the Commonwealth of Massachusetts has not only met that commitment, but has exceeded it. To date, the Commonwealth has appropriated $15.7 million to the Park's development. State funds have been spent to restore three sets of transportation locks, to create a national award-winning interpretive exhibit which tells the story of Lowell's canals, and to design and construct four canal side parks and a riverfront park and boathouse on the Merrimack River.

Our work, however, is not complete. This past December 1986 my Department of Environmental Management acquired rights and interests which will ensure permanent protection and public access to Lowell's canals. Additional public expenditures will now be needed to rehabilitate the canals which have suffered from years of neglect. The Commonwealth is prepared to commit additional funds to the preservation of Lowell's canals, but such an investment needs to be matched at the federal level if we are to effectively preserve and protect this nationally significant historic resource in a manner which reflects its importance to our nation's history.

Such a goal can be accomplished through the extension of the Lowell Historic Preservation Commission. The Lowell Historic Preservation Commission's initiative to undertake canalway planning, and to act as the lead agency in bringing Lowell's canals back to life ensures continual success. The Commonwealth of Massachusetts looks forward to working with them toward that goal.

The success which Lowell has achieved through the effective cooperation of the local, state, and federal governments not only in preserving an historic resource, but in helping to bring a once depressed city back to life has become a national and international model for urban revitalization. The Commonwealth of Massachusetts looks forward to continuing this success with the help of the Lowell Historic Preservation Commission.

Sincerely,

Michael S. Dukakis
Governor

MSD:asc

STATEMENT OF MICHAEL S. DUKAKIS, GOVERNOR, COMMONWEATLH OF MASSACHUSETTS, BEFORE THE SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS, ON S. 1012 TO DELAY THE TERMINATION OF THE LOWELL HISTORIC PRESERVATION COMMISSION.

It gives me great pleasure to be with you today to speak in favor of a critical piece of legislation that will assure completion of the highly successful Lowell Historical Park.

When we first began work in the late 1970's on a strategy to revitalize our older urban centers, we were intrigued by the ambitious plans of Dr. Patrick Mogan and then Congressman Paul Tsongas to make their hometown -- Lowell, Massachusetts -- into what they called " an urban cultural park". They believed a community could build local pride and self confidence by appreciating and preserving its heritage. In the case of Lowell this meant looking at the massive empty mills and decaying canals and seeing in them opportunities rather than liabilities. It meant looking at the people of Lowell and seeing the rich cultural heritage of 54 ethnic groups that would draw visitors from around the country, eager to know more about the compelling stories of people like themselves who had risked everything to better their lives and those of their children. Lowell's unique National and State Parks tell the story of energetic people, who against great odds, were able to create a model industrial city through ingenuity and hard work.

By the 1970's, this 150-year old model had tarnished a great deal. With millions of square feet of vacant factory space and thousands of people out of work, the creative energies that built Lowell were once more put to the test. Lowell has brought itself back by combining a deep understanding of the past with a willingness to take risks and try the untried.

The Commonwealth of Massachusetts is proud to have been a partner in Lowell's recent success story. Our statewide Heritage Park Program, which has become a national model, started in Lowell. We committed $10 million to Lowell ten years ago -- for a variety of historic preservation, exhibit, recreation, and public improvement projects. The persuasive Lowell coalition of public and private sector representatives has gotten the Massachusetts Legislature to surpass that commitment by 57%, bringing $15.2 million to Lowell. We have seen those funds matched many times over by private dollars and are pleased by the results. Not only have we provided meaningful and enjoyable recreational opportunities but we have -- along with your important help -- made Lowell a place where business and industry could comfortably expand. And expand they have -- Lowell continues to be one of the strongest areas for job growth in New England.

In adopting the urban cultural park theme as a guide for its downtown revitalization efforts, the city has shown how a variety of revenue sources can be targeted to a common goal. The Lowell success story is based on a well crafted partnership. The Lowell Historic Preservation Commission is a key member of the team and cannot be allowed to disappear before the job is done.

Despite our continuous efforts, the Commonwealth was only able to obtain permanent rights to the canal system at the end of 1986. Planned restoration and Canalway linear park projects are only now taking shape. They will require a few more years -- and all our available resources -- to complete.

The Lowell Historic Preservation Commission with its experienced on-site staff and special authorities is uniquely qualified for the tasks at hand. The Commonwealth will give its full financial support to the job, but it needs your help too. We need the LHPC if we are to restore and maintain the canal system that is the heart of our National and Heritage State Parks.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133

EVELYN F. MURPHY
LIEUTENANT GOVERNOR

ROOM 259
(617) 727-7200

July 28, 1987

Honorable Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks, and Forests
U.S. Senate
Room 308
Senate Dirksen
Washington, DC 20510

Dear Chairman Bumpers:

I am sure that you, as I, read with great interest the report of the President's Commission on Americans Outdoors. The report noted that by the year 2000, eighty percent of Americans will live in metropolitan areas. To meet the demand for outdoor recreation which will accompany urban growth, the President's Commission suggests that we treat the "City as a Park." The extension of the Lowell Historic Preservation Commission to do canalway planning would capitalize on that idea.

Lowell's 5.6 miles of canals form the core of an urban greenway that will link all areas of the city. By focusing on Lowell's canals, the Lowell Historic Preservation Commission will serve as the catalyst for combining local, state and private resources to spread the success achieved by the Lowell National Historic Park throughout the city.

It is appropriate that Lowell, America's planned industrial city, should serve as a model for the "City as a Park." Your action to extend the Lowell Historic Preservation Commission's work can make that happen and can help Lowell to continue to serve as an inspiration to other cities throughout the country.

Sincerely,

Evelyn F. Murphy

Evelyn F. Murphy
Lieutenant Governor

STATEMENT OF EVELYN F. MURPHY, LIEUTENANT GOVERNOR, COMMONWEALTH OF MASSACHUSETTS, BEFORE THE SENATE SUB-COMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS, ON S. 1012 TO DELAY THE TERMINATION OF THE LOWELL HISTORIC PRESERVATION COMMISSION.

IT IS A PLEASURE TO APPEAR BEFORE YOU TODAY TO TESTIFY IN FAVOR OF THE EXTENSION OF THE LOWELL HISTORIC PRESERVATION COMMISSION. IN 1975, WHILE I SERVED AS ITS SECRETARY OF ENVIRONMENTAL AFFAIRS, THE COMMONWEALTH OF MASSACHUSETTS CREATED THE LOWELL HERITAGE STATE PARK. TWELVE YEARS LATER IT IS TRULY AMAZING TO SEE THE TRANSFORMATION WHICH HAS OCCURRED IN LOWELL. DETERIORATING MILL BUILDINGS HAVE BEEN RENOVATED FOR HOUSING, OFFICE AND RETAIL SPACE, HISTORIC EXHIBITS AND IN THE NEAR FUTURE CLASSROOMS. LOWELL'S 5.6 MILES OF CANALS, ONCE VIEWED AS OBSTACLES TO AUTOMOBILE TRANSPORTATION, NOW SERVE AS CORRIDORS FOR TOURIST TRANSPORTAION. BROKEN DOWN CANAL LOCKS HAVE BEEN RESTORED AND FUNCTION AGAIN FOR THE FIRST TIME IN OVER 100 YEARS. LOWELL, MASSACHUSETTS IS A CITY WITH A RICH PAST WHICH IT HAS USED TO CREATE A RICH FUTURE.

WHILE IT IS SOMETIMES NICE FOR AN ELECTED PUBLIC OFFICIAL TO POINT TO ONE PROGRAM OR AGENCY WITHIN HIS OR HER CONTROL WHICH CAN TAKE CREDIT FOR SUCH A REMAKABLE TRANSFORMATION, THE TRUTH IS NO SUCH AGENCY EXISTS IN LOWELL. LOWELL'S REBIRTH IS THE RESULT OF AN UNPRECEDENTED COLLABORATION OF LOCAL, STATE, FEDERAL AND PRIVATE PROGRAMS AGENCIES AND ORGANIZATIONS AROUND THE SINGLE VISION OF BRINGING A CITY BACK TO LIFE.

THE LOWELL HISTORIC PRESERVATION COMMISSION IS AN IMPORTANT PARTNER IN THAT COLLABORATION. ITS DEVELOPMENT OF THE LOWELL TROLLEY SYSTEM IS A PRIME EXAMPLE OF WHY, THE TROLLEY SERVES AN IMPORTANT ROLE IN LINKING INDIVIDUAL PARK SITES THROUGHOUT THE CITY. THIS ENHANCES THE VISITOR'S OVERALL UNDERSTANDING OF LOWELL AND ITS IMPORTANCE AS THE BIRTHPLACE OF THE AMERICAN INDUSTRIAL REVOLUTION.

THE SAME POTENTIAL EXISTS FOR THE LOWELL HISTORIC PRESERVATION COMMISSION TO DEVELOP LINKAGES ALONG THE LOWELL CANAL SYSTEM. PURCHASED THIS PAST DECEMBER BY THE COMMONWEALTH'S DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, LOWELL'S CANALS CAN PROVIDE FOR FOOT, BOAT, AND BIKE LINKAGES TO ALL CORNERS OF THE PARK. THE COMMONWEALTH, WHOSE EMPHASIS HAS BEEN ON THE DEVELOPMENT OF INDIVIDUAL SITES, DOES NOT HAVE THE FINANCIAL RESOURCES OT MAKE THESE NECESSARY LINKAGES. THE LOWELL HISTORIC PRESERVATION COMMISSION THROUGH ITS CANALWAY PROPOSAL IS THE PROPER AGENCY TO TAKE THE LEAD IN DEVELOPING OF THE CANAL SYSTEM'S FULL POTENTIAL. THE EFFECT WILL BE TO MULTIPLY THE IMPACT OF OTHER IMPROVEMENTS MADE IN THE CITY.

TO TAKE THE LEAD IN DEVELOPING OF THE CANAL SYSTEM'S FULL POTENTIAL. THE EFFECT WILL BE TO MULTIPLY THE IMPACT OF OTHER IMPROVEMENTS MADE IN THE CITY.

THE COMMONWEALTH OF MASSACHUSETTS HAS CERTAINLY MADE ITS CONTRIBUTION OT LOWELL'S REVITALIZATION WITH OVER $15 MILLION SPENT ON THE LOWELL HERITAGE STATE PARK ALONE, BUT IT IS THE MULTIPLIER EFFECT OF COMBINING THESE FUNDS WITH OTHER PUBLIC AND PRIVATE FUNDS WHICH MAKES THE INVESTMENT PAY OFF. FOR EXAMPLE, THE DEVELOPMENT OF A HILTON HOTEL AND WANG LABORATIES CORPORATE TRAINING CENTER IN DOWNTOWN LOWELL IS AN ECONOMIC SUCCESS IN AND OF ITSELF. HOWEVER, ITS EFFECT ON THE WHOLE CITY IS FURTHER MULTIPLIED BY ITS SITING AT THE LOWER LOCKS WHERE THE CANAL SYSTEM PROVIDES A TRANSPORTATION LINK TO THE REST OF THE CITY. THE ROLE PLAYED BY THE LOWELL HISTORIC PRESERVATION COMMISSION IN MAKING THESE LINKS ALONG THE CANAL SYSTEM IS VITAL TO LOWELL'S CONTINUED SUCCESS. I URGE YOU TO SUPPORT ITS EXTENSION.

Senator Ford. Senator, we're pleased to have you testify. I know of no objection to the legislation. We just heard that the $40 million generated $320 million. It has been a significant contribution. It appears that what can be done by some leadership in this community by just giving a boost to the local community, we have something that can develop.

We're impressed. I remember when we worked with Paul Tsongas back when he was here.

So we thank you for your attendance today. I have no questions.

Senator Kerry. I thank the Chair very, very much.

I thank my colleague for his forbearance also. Thank you very much.

Senator Ford. The next witness will be Senator Graham of Florida testifying on S. 1297, De Soto Trail Study.

STATEMENT OF HON. BOB GRAHAM, A U.S. SENATOR FROM THE STATE OF FLORIDA

Senator Graham. Thank you very much, Mr. Chairman. I would like to submit for the record letters which have been written on behalf of this from the governors of Louisiana, South Carolina, Arkansas, and the chairman of the Alabama De Soto Trail Commission. I would also, Mr. Chairman, like to submit my full statement and then would supplement that by some more informal remarks.

Senator Ford. Senator, the letters in support will be included in the record, along with your full text.

Senator Graham. Mr. Chairman, I would also like to express my appreciation to yourself, to the other members of the committee and the staff, and especially to Senator Bumpers who has been very supportive of this initiative.

Mr. Chairman, earlier this year an unexpected and very significant event occurred in Tallahassee, Florida. While starting the construction of a commercial building, the state archaeologist was poking around the site and quite to his amazement started to unearth first some pottery and then chain mail, fragments of spanish olive jars, glass beads, hand-carved and intricately colored.

These were the links which have now established that this site, within a mile of the capital of Florida, was the place where Hernando De Soto spent the first winter of 1539 and 1540 in the New World. It was the site of the first Christmas service held in North America.

This reminds us of how close our history is to the current day and how significant an understanding and appreciation of our history is to an understanding of who we are. Hernando De Soto led the first great act of exploration in this continent for a period of almost four years. He and the remainder of his 600 troops marched through ten states.

On their way they discovered the Mississippi River. It was on the banks of the Mississippi River that Hernando De Soto, not yet 40, died in 1542. We are proposing, Mr. Chairman, to add the De Soto Trail to our national trail system, and to do so with some expedition so that we might accomplish this in time for the 450th celebration of the commencement of the De Soto expedition in May of 1989.

This expedition, which brought so much European knowledge about our country has also served as a unifying force for some current activity within the southeastern region. The ten states affected have joined together to assist in expediting the archaeological and historical review so that at such time as this is designated as a national trail we can move quickly to the completion of this task.

I have, Mr. Chairman, a map which indicates the best current information as to the route of Hernando De Soto through the ten states. The process that this bill will initiate will first be a one year study to determine if this trail meets standards of the National Historic Trails Act for purposes of Federal designation.

I would like to comment that there have been today six trails designated, five of which are in the northwest, including the Lewis and Clark Trail, and one is in the southwest, the Santa Fe Trail. There are no trails in the National Historic Trail east of the Mississippi. I believe that this is an appropriate commencement of a recognition of the contribution which the early Spanish explorers made to this region of the country.

By marking the De Soto Trail, we would continue this famous expedition. Today we know that the knowledge of the past is a treasure. I have, Mr. Chairman, if you would like to see some of the treasures which have recently been recovered, including the Spanish mail, which is over 450 years old.

The route he discovered was really a route into the future. De Soto for all times altered the history and pattern of western civilization. As we retrace his footsteps we will uncover pieces of our own history which are as fragile and yet as enduring as these links of armor.

The Spanish explorers came to Florida certain of their ability to control what they could find. They discovered almost instantly that the new world demanded new behavior and new attitudes. This chain mail was abandoned at the winter campsite because the soldiers could not endure its weight and its constrictions in the subtropical heat, because it offered little protection against arrowheads, because it rusted in the humidity, because it obstructed progress.

Overnight the traditional armor of the old world became such a relic to De Soto's men as it is to us today. We are linked by more than pottery, scraps of rusted metal. We are linked by a common challenge of discovery and adaptation which has survived these 450 years and which will continue to test us in the centuries to come.

The De Soto Trail will be an important addition to the historic trails of our national trail system.

Thank you, Mr. Chairman.

[The prepared statement of Senator Graham together with letters of support follow:]

SENATOR BOB GRAHAM

TESTIMONY ON THE DE SOTO TRAIL

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

THURSDAY, JULY 30, 1987 WASHINGTON, D.C.

GOOD AFTERNOON MR. CHAIRMAN - DISTINGUISHED MEMBERS OF THE COMMITTEE:

THIS SPRING...448 YEARS AFTER THE FIRST MAJOR EXPLORATORY EXPEDITION OF NORTH AMERICA BY EUROPEANS, STATE ARCHAEOLOGIST, CALVIN JONES WAS POKING AROUND A CONSTRUCTION SITE IN TALLAHASSEE, FLORIDA, WHEN HE FOUND SOME INDIAN POTTERY SHARDS. HE DUG FURTHER AND FOUND TINY LINKS OF CHAIN MAIL -- AND FRAGMENTS OF SPANISH OLIVE JARS -- AND GLASS BEADS, HANDCARVED AND INTRICATELY-COLORED.

THESE TINY LINKS OF CHAIN MAIL WERE THE KEY. WHAT CALVIN JONES FOUND IS ONE OF THE MOST SIGNIFICANT ARCHAEOLOGICAL SITES IN THE HISTORY OF OUR COUNTRY -- THE LOCATION OF HERNANDO DE SOTO'S FIRST WINTER CAMP.

MORE THAN HALF A CENTURY BEFORE THE PILGRIMS LANDED ON THESE SHORES THE CONQUISTADORS WERE EXPLORING AND SETTLING AND SEARCHING FOR TREASURE AND WARRING WITH INDIANS AND LIVING AND DYING THROUGHOUT MUCH OF WHAT IS NOW THE SOUTHERN UNITED STATES.

THEY SEARCHED FOR LEGENDARY TREASURES OF GOLD AND JEWELS -- AND FOR A FOUNTAIN OF YOUTH -- AND FOR A ROUTE TO THE ORIENT. THEIR ADVENTURES WERE BOLD AND GLORIOUS. THEIR LEGACY WAS OFTEN DEATH.

VAST NUMBERS OF THE INDIGENOUS INDIAN PEOPLE AND THEIR SOPHISTICATED CIVILIZATIONS WERE WIPED OUT BY EUROPEAN DISEASES AGAINST WHICH THE INDIANS HAD NO IMMUNITY. MORE OF THEM WERE CAPTURED FOR THE SLAVE TRADE OR DIED IN SKIRMISHES WITH THE HEAVILY-ARMED SPANIARDS.

SCORES OF SPANISH ADVENTURERS DIED TOO -- IN SHIPWRECKS DURING VIOLENT HURRICANES, IN BATTLE, FROM STARVATION, FROM DISEASE AND FROM DESPAIR.

THEIR LIVES -- AND THEIR DEATHS -- ALTERED FOREVER THE LAND AND THE EVENTS OF THE NEW WORLD.

WHAT WE CAN HOLD IN OUR HANDS TODAY ARE MERE FRAGMENTS OF THAT EXTRAORDINARY HISTORY -- OF OUR OWN EXTRAORDINARY HISTORY. IT DESERVES TO BE MARKED AND STUDIED AND UNDERSTOOD.

WE HAVE PROPOSED ADDING THE DE SOTO TRAIL TO OUR NATIONAL TRAILS SYSTEM. YOU CAN SEE FROM THIS MAP THAT IT IS FAR-RANGING - DE SOTO'S EXPEDITION PUSHED ACROSS NO FEWER THAN TEN STATES.

THE NATIONAL TRAILS SYSTEM HAS ONLY 6 HISTORIC TRAILS MARKED OR APPROVED FOR MARKING. ALL BUT ONE ARE IN THE NORTHWEST: THE LEWIS & CLARK TRAIL, THE MORMON PIONEER, THE NEZ PERCE, THE OREGON TRAIL, THE IDITAROD GOLD RUSH IN ALASKA -- AND IN THE SOUTHWEST, PART OF THE OLD SANTA FE TRAIL.

NONE COMMEMORATES THE EARLIEST EXPLORATION OF WHAT WOULD BECOME THE UNITED STATES.

NONE HIGHLIGHTS THE IMPORTANCE OF OUR SPANISH AND MEDITERRANEAN HERITAGE.

NONE DOCUMENTS THE COMPLEX SOCIAL NETWORKS OF THE LOST INDIAN CIVILIZATIONS WHO SETTLED THIS LAND BEFORE US.

OUR LEGISLATION COMPLEMENTS THE EFFORTS MADE BY SEVERAL OF THE STATES INVOLVED TO IDENTIFY AND PRESERVE THE TRAIL. MY STATE OF FLORIDA HAS COMPLETED MORE THAN THREE-FOURTHS OF THE DE SOTO TRAIL WITHIN THE STATE'S BORDERS.

JUST TWO DAYS AGO THE TRUST FOR PUBLIC LANDS CONCLUDED A PURCHASE AGREEMENT FOR THE TALLAHASSEE WINTER CAMPSITE WHERE THESE ARTIFACTS WERE UNEARTHED. THE EXCAVATION, UNDER THE STATE'S SUPERVISION, WILL ADD VOLUMES TO OUR KNOWLEDGE OF THE LIFE AND TIMES OF DE SOTO AND HIS MEN.

IT WILL ALSO BEGIN TO UNRAVEL FOR US THE OBSCURED AND TANGLED THREADS OF THE VANISHED INDIAN CIVILIZATIONS. THE APALACHEE AND THE CALUSA, POLITICALLY POWERFUL AND PROSPEROUS TRIBES, WERE DECIMATED, THEIR CULTURES DESTROYED, DURING THE CONQUISTADORS' EXPEDITIONS.

DE SOTO'S FORCES MARCHED THROUGH FLORIDA, GEORGIA, SOUTH CAROLINA, NORTH CAROLINA, TENNESSEE, ALABAMA, MISSISSIPPI, ARKANSAS, LOUISIANA AND TEXAS. 12 OF THE SENATORS FROM THOSE GREAT STATES ARE CO-SPONSORS OF OUR BILL TO MARK THAT TRAIL. WE HAVE RECEIVED LETTERS FROM GOVERNORS, PLEDGING TO COOPERATE WITH AND SUPPORT OUR EFFORT. (WITH YOUR PERMISSION I WOULD LIKE TO INSERT COPIES OF THOSE LETTERS INTO THE RECORD OF THIS HEARING.)

ON MAY 30, 1989, WE WILL CELEBRATE THE 450TH ANNIVERSARY OF THE FIRST LANDFALL OF DE SOTO'S EXPEDITION -- ONE OF THE GREATEST EXPLORATIONS OF THE NEW WORLD. OUR BILL CONTAINS A ONE YEAR DEADLINE FOR THE STUDY OF THE TRAIL -- SO THAT THE ACTUAL ROUTE CAN BE LEGISLATIVELY DESIGNATED AND MARKED IN TIME FOR THE ANNIVERSARY.

HERNANDO DE SOTO DIED ON THE BANKS OF THE MISSISSIPPI RIVER IN 1542. HE WAS NOT YET 40 YEARS OLD. HIS GRANDIOSE DREAMS OF GOLD AND GLORY WERE UNREALIZED.

HE FOUND NO CACHE OF INDIAN TREASURE. HE FAILED TO MAP AN OVERLAND ROUTE TO THE AZTEC WEALTH IN MEXICO. HIS MISSION, CARRIED OUT IN THE NAME OF THE SPANISH EMPIRE, WAS A FAILURE. ALTHOUGH THE REST OF HIS EXPEDITION CONTINUED ON ACROSS THE SOUTH, THEY NEVER ACHIEVED HIS GOALS.

BY MARKING THE TRAIL DE SOTO SET, WE CONTINUE THAT FAMOUS EXPEDITION. TODAY WE KNOW THAT KNOWLEDGE OF THE PAST IS A TREASURE MORE PRICELESS THAN GOLD. THE ROUTE HE DISCOVERED WAS REALLY A TRAIL BLAZED INTO THE FUTURE. DE SOTO IRREVOCABLY ALTERED THE HISTORY AND PATTERN OF WESTERN CIVILIZATION. AS WE RETRACE HIS FOOTSTEPS WE WILL UNCOVER PIECES OF OUR OWN HISTORY AS FRAGILE AND AS ENDURING AS THESE LINKS OF ARMOR.

THE SPANISH EXPLORERS CAME TO "LA FLORIDA" CERTAIN OF THEIR ABILITY TO CONTROL WHATEVER THEY MIGHT FIND. THEY DISCOVERED ALMOST INSTANTLY THAT THE NEW WORLD DEMANDED NEW BEHAVIOR AND NEW ATTITUDES. THIS CHAIN MAIL WAS ABANDONED AT THE WINTER CAMPSITE BECAUSE THE SOLDIERS COULD NOT ENDURE ITS WEIGHT AND CONSTRICTIONS IN THE SUBTROPICAL HEAT, BECAUSE IT OFFERED LITTLE PROTECTION AGAINST STONE ARROWHEADS, BECAUSE IT RUSTED IN THE HUMIDITY, BECAUSE IT OBSTRUCTED PROGRESS.

OVERNIGHT THE TRADITIONAL ARMOR OF THE OLD WORLD BECAME AS MUCH A RELIC TO DE SOTO'S MEN AS IT IS TO US TODAY.

WE ARE LINKED BY MORE THAN POTTERY SHARDS AND SCRAPS OF RUSTED METAL. WE ARE LINKED BY A COMMON CHALLENGE OF DISCOVERY AND ADAPTATION WHICH HAS SURVIVED THESE 450 YEARS -- AND WHICH WILL DOUBTLESS CONTINUE TO TEST US FOR CENTURIES TO COME.

THE DE SOTO TRAIL WILL BE AN IMPORTANT ADDITION TO THE HISTORIC TRAILS OF OUR NATIONAL TRAILS SYSTEM.

State of Louisiana
EXECUTIVE DEPARTMENT
Baton Rouge

EDWIN EDWARDS
GOVERNOR

July 9, 1987

The Honorable Bob Graham
United States Senator
United States Senate
Washington, DC 20510

Dear Senator Graham:

I share your interest in Heranando de Soto and the impact of his expedition on the southern United States. As governor, I wholeheartedly support the efforts of archaeologists and historians who are working to discover which parts of our state were crossed by de Soto and his men (see enclosed articles). Louisiana is now in the process of forming a statewide de Soto committee to encourage the study of de Soto's route.

Dr. Kathleen Byrd, Director of the Division of Archaeology, within the Department of Culture, Recreation and Tourism, represents Louisiana on the de Soto Trail Commission. She attended the commission's June meeting in Atlanta, and has been named chairperson of the Events Committee. Not only will Dr. Byrd be coordinating regional events commemorating the 450th anniversary of the expedition, but also she will provide suggestions for including de Soto events in Louisiana's Open House celebration, which is scheduled for 1990.

Thank you for sharing with me the article about the recent discovery of a de Soto site near Tallahassee. I hope that as research continues in Louisiana, we too, will soon have archaeologists studying sites relating to de Soto's expedition.

With warm personal regards.

Sincerely,

Edwin Edwards

EDWIN W. EDWARDS
GOVERNOR

EWE/cdb

attachments

State of South Carolina

Office of the Governor

Carroll A. Campbell, Jr.
Governor

Post Office Box 11369
Columbia 29211

July 6, 1987

The Honorable Bob Graham
Senator
United States Senate
Washington, DC 20510

Dear Senator Graham:

Thank you for your letter regarding identification of Hernando de Soto's historic trail, part of which passes through South Carolina. I will be happy to provide my cooperation in this endeavor. I wish you well in completing this project by 1989.

Sincerely,

Carroll A. Campbell, Jr.
Governor

CACjr/bma

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
State Capitol
Little Rock 72201

Bill Clinton
Governor

July 13, 1987

The Honorable Bob Graham
United States Senator
Washington, D.C. 20510

Dear Bob:

I have received your letter regarding the recently formed De Soto Regional Coordinating Group. Bryan Keller, Trails Director for the Department of Parks and Tourism, is very ably representing Arkansas on this body. He is making sure that my office is well-informed about the action and study of this group.

I appreciate your efforts to make this trail a reality.

Sincerely,

Bill Clinton

Bill Clinton

BC/cb/vm

ALABAMA DE SOTO COMMISSION

Sue Sr.

July 1, 1987

The Honorable Bob Graham
SH- 313
Hart Senate Office Building
Washington, DC 20510

Dear Senator Graham,

On behalf of the De Soto Trail Commission, I express appreciation to you for meeting with us in Atlanta on June 22nd. Your vision in initiating work on De Soto's trail stimulated formation of this state's efforts and those of others in the region.

After deciding to call ourselves the De Soto Trail Commission, the group in Atlanta developed a realistic but ambitious agenda of activities which are underway. We are confident that we can have an impact on De Soto studies and activities in the years ahead. Thank you again for providing the leadership to make this a national concern.

Respectfully,

Douglas Jones

Douglas Jones
Chairman
De Soto Trail Commission

DEJ/mam

c/o The University of Alabama • State Museum of Natural History • P.O. Box 5897 • University, AL 35486

Senator **Ford**. Thank you, Senator.

It might have helped you if De Soto had gone up to Kentucky a little bit. He didn't quite get up there, did he?

Senator **Graham**. He wished he had.

Senator **Ford**. You've discussed this with him.

Senator **Graham**. You can see that he wandered trying with great dedication but with ultimate failure to reach Kentucky.

Senator **Ford**. You're doing very well, Senator. You've touched my heart anyhow, and we'll see if we can't help you get your bill out. We do appreciate your coming by today and we appreciate your brevity. Thank you very much.

Senator **Graham**. Thank you.

Senator **Ford**. If there is no objection, I would like to call the three agency people to the table to testify at the same time. That would be Mr. James Parker who is Assistant Director of Bureau of Land Management, Department of the Interior; Mr. William Mott, Director of the National Park Service from the Department of the Interior; and Mr. J. Lamar Beasley, Deputy Chief of the National Forest System, Forest Service, Department of Agriculture.

Mr. Mott, would you like to start. We'll move on from there.

STATEMENT OF WILLIAM PENN MOTT, JR., DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. **Mott**. Mr. Chairman, in the interest of time I have filed all of my statements. I would just like to summarize those.

Senator **Ford**. I have read your statements. I am delighted with them, Mr. Mott. So I appreciate them very much. I say that to you up front. They were excellent.

Mr. **Mott**. Fine. Maybe I don't even have to summarize them.

Senator **Ford**. No. I think maybe we ought to go on the record for just a little bit. I do appreciate your testimony.

Mr. **Mott**. Fine. On S. 578, the Trail of Tears, I would like to present for the record our findings on this and our report. We have completed the report for that particular trail, and I think it is something that is worthy of being a national trail.

Senator **Ford**. You're mighty nice and I think it's an excellent study. It does pertain to my area, as you well know, and I've been interested in it. But when you got through with the study and I had an opportunity to read it in full I was more dedicated to the cause after I read that than I was before. I compliment you on it, my friend.

Mr. **Mott**. Thank you very much. We recommend the enactment of that bill.

S. 1012, the Lowell National Historic Park—again, this has been a very successful project as has already been indicated. We have two cities that are now simulating a similar kind of program, Hot Springs in Arkansas and Salem, Massachusetts. They are now working on a similar kind of program. I think the program at Lowell has been so successful that I think you'll find many other cities following the example of Lowell.

We recommend the enactment of that bill. We do suggest the deletion of the increased authorization ceiling in light of our budget deficits.

On S. 1259, the Buffalo National River Access, we do not recommend approval of that particular bill. We feel it would set a very serious precedent of providing a private entrepreneur access across Federal lands for his particular benefit. So we recommend disapproval of that bill.

On S. 1297, the De Soto Trail, again we recommend this very highly. We do suggest, however, that we be given three years to make that study. It's a very complicated trail matter. We have to do a great deal of archaeological work in order to be sure of establishing its route and so forth. There is a great deal of controversy about this particular trail in the vicinity of the Mississippi River and where he crossed.

So we don't believe that we can do this in one year and do justice to the trail and do a good professional job. Other than that, we do highly recommend that particular project.

H.R. 797, Gettysburg National Park Addition, was passed by the House. We recommend that it be enacted. This piece of property which is a gift to the national park, is outside the administrative boundary as established in 1974. We are making a study to come up with a proposed statutory boundary for the Gettysburg National Military Park, but we recommend that this piece of property be included now in the Gettysburg National Military Park because it is important in connection with telling the story of the battles that took place there.

For H.R. 1744, the Historic Preservation Fund Extension, we strongly recommend the extension of that particular program. It has been very successful throughout the United States in preserving our cultural heritage and the buildings that are related to it.

If you have any questions on any one of these items, I would be glad to try to answer them.

[The prepared statement of Mr. Mott follows:]

STATEMENT OF WILLIAM PENN MOTT, JR., DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING SUNDRY PARK LEGISLATION:

S. 578	Trail of Tears designation
S. 1012	Lowell National Historical Park and Commission amendments
S. 1259	Buffalo National River access
S. 1297	deSoto Trail study
H.R. 797	Gettysburg National Military Park addition
H.R. 1744	Historic Preservation Fund extension

July 30, 1987

S. 578--Trail of Tears

We recommend the enactment of S. 578.

This bill would designate the Trail of Tears National Historic Trail as a component of the National Trails System.

Public Law 98-11, approved March 28, 1983, amended section 5(c) of the National Trails System Act to authorize a study of the Trail of Tears, extending from the vicinity of Murphy, North Carolina, through Georgia, Alabama, Tennessee, Kentucky, Illinois, Missouri, and Arkansas, to the vicinity of Tahlequah, Oklahoma. We have completed that study, and based on its findings we recommend that the Trail of Tears be designated by Congress as a component of the National Trails System.
The Trail of Tears refers to the routes taken by members of the Cherokee Indian Nation in June of 1838 and during the fall and winter of 1838-39, from their traditional tribal territory in Georgia to Oklahoma.

The National Park System Advisory Board has determined that the Cherokee Trail of Tears is of national historical significance.

Our study report recommends designation of trail corridors comprising two routes: the water routes used for the removal of 3,000 Cherokees during the summer of 1838, and a principal overland route taken by most of 13,000 Cherokees during the fall and winter of 1838-1839. Three side or connecting trails would also be designated.

Under section 5(d) of the National Trails System Act, the Secretary is required within one year of designation to appoint an advisory council for the trail representing Federal land-managing agencies and States through which the trail passes, landowners, and interested private entities. Under section 5(f) of the Act we are required within two years to prepare and submit to the Committees a comprehensive plan for the management and use of the trail. With the help of the advisory council, the plan will identify historic sites and locations for interpretive exhibits which are authorized under section 7(c) of the Act. No additional Federal land acquisition is contemplated.

We note that the bill would require us to give careful consideration to interpretive sites in the vicinity of Hopkinsville, Kentucky. The study report did find that interpretive facilities would be appropriate at Paducah or Hopkinsville, Kentucky, and our plan will reflect consideration of these areas. We estimate that the cost of preparing the plan will be approximately $150,000.

S. 1012 - Lowell National Historical Park and Preservation Commission, Massachusetts

We recommend enactment of S. 1012 only if amended to delete the increased authorization ceilings.

S. 1012 would increase the acquisition and development ceilings for the Lowell National Historical Park and the Preservation Commission. The bill would also extend the term of the commission for another seven years and would make technical changes to the appointment and operation provisions concerning the Commission.

The Lowell National Historical Park and Preservation District was enacted into law on June 5, 1978. Since that time:

--Over $240 million in private money has been invested in the rehabilitation of historic properties in the preservation district.

--Design controls have been adopted by the City of Lowell, thereby assuring the highest standards of historic preservation for these structures, which create the backdrop for the park.

--Over $35 million has been appropriated by the Commonwealth of Massachusetts and local government for park-related improvements above and beyond Federal funds. This substantially exceeds the matching requirement required by Public Law 95-290.

--Over $1 million has been contributed by private non-profit organizations for projects and programs directly related to the park.

--Over $38 million of Federal funds have been appropriated for land acquisition and development by the National Park Service and the Lowell Historic Preservation Commission.

There are other tasks that still need to be undertaken. The increase in authorization ceiling is directed at restoration of the canal system of Lowell. Parts of the canal system have been restored and are a vital part of the park. Other parts have not been fully restored. We believe that it is appropriate that further funding for specific projects be provided by the State and local community.

The Lowell canal system is the most complex power canal system ever built in this country. While other canals exist in the United States, they are mostly transportation canals traversing the countryside. The City of Lowell was built around a 5.6-mile canal system which shaped its development patterns. The Lowell system was a testing ground for engineering and hydraulic science in the 19th century and remains operational today, although many of its picturesque gatehouses and impressive stone walls need substantial restoration. The canals traverse a variety of landscapes. They provide opportunities for recreation, sightseeing and cultural events. A major exhibit is devoted to water power, and boat tours on the canals are an important part of the park experience.

Lowell is also home to the Heritage State Park, whose facilities and themes complement those of the park. The Commonwealth of Massachusetts has been working for over ten years to purchase property to unify control of the canals which are privately owned. The process has been sensitive because of overlapping uses: some mills still use the canals for power generation; the National Park Service conducts boat tours; private parties control some parcels of land abutting the canals; and the City owns others. It was not until December 1986 that the Commonwealth was able to complete the acquisitions necessary to permit the construction of continuous pathways linking all parts of the 5.6-mile system. These pathways recall the public promenades built along parts of the system in the last century. Recently named the "Canalway," this new pathway is a major component of the national historical park and unifies the activities and sites throughout the city.

The Canalway is being developed as an inner loop and an outer loop. Most of the inner loop is nearing completion due to the joint efforts of the Heritage State Park, the City of Lowell, the National Park Service, the Lowell Plan, private owners, and the Lowell Historic Preservation Commission. The unfinished part of the inner loop is the Swamp Locks area.

The task of restoration is complex. Work among public agencies must be coordinated; private land owners adjacent to the canals must be persuaded to remove debris and screen unsightly properties from pedestrian view.

When the Lowell National Historical Park and Preservation District legislation was signed into law in 1978, there was a determination that a unique organization was required to coordinate the collective interests of the National Park Service, the Commonwealth of Massachusetts, the City of Lowell, the private sector, and the community at large. This fifteen-member Commission, operating with a professional staff of twelve, carries out certain portions of the legislation including grant and local program authorities, and a wide variety of cultural support and technical assistance programs. The Lowell Historic Preservation Commission developed a Preservation Plan, which was approved by the Secretary of the Interior in 1981. Pursuant to the Plan, the Lowell Historic Preservation Commission:

--Developed and implemented preservation strategies for 10 National Register structures including the Market Mills Complex which houses the National Park Service visitor center.

--Planned and built $11.8 million worth of demonstration projects along the canal system, each of which included a cultural component (these ranged from the Mogan Cultural Center which houses three major historical exhibits and the University of Lowell Center for Lowell History and classrooms, to public art installations and public events).

--Administered a $3.4 million grant and loan program for historic preservation.

--Designed and implemented an accurate historic 1.6-mile electric trolley system to move visitors around the park.

--Administered cultural grants and supported park-related community activities.

--Provided technical assistance to the private sector and other agencies and community groups.

--Promulgated standards for preservation and new construction in historic areas and developed enforcement mechanisms.

In fiscal year 1987, the Lowell National Historical Park reached its authorized acquisition and development ceiling. Funds appropriated by Congress for land acquisition and development now total $18,546,000. While the park has completed or nearly completed most of the development projects outlined in the approved General Management Plan, S. 1012 would increase this ceiling by $1.3 million in order to complete three interpretive exhibits and to restore a gatehouse, all of which are along the Canalway.

S. 1012 would also increase the development and acquisition ceiling of the Lowell Historic Preservation Commission by $12.1 million for Canalway Development and Preservation Projects, Historic Preservation and Cultural Grants, and Cultural and Technical Assistance Programs.

In addition, two amendments are proposed which would permit the Commission members at the end of their terms to continue in an active capacity until a successor is appointed and would allow the Commission to conduct meetings with a majority of Commission members present. The other amendment would extend the term of the Lowell Historic Preservation Commission by an additional seven years in order to coordinate and implement the remaining Canalway work. We have no objection to this provision.

Mr. Chairman, the Federal Government has supplied years of seed money for this project. Because of the current budget situation, we must look to other sources for funding additional improvements. We have no objection to continuation of the Commission as working relations are well established.

S. 1259--Access across Buffalo National River, Arkansas

We recommend that this bill not be enacted.

S. 1259 would direct the Secretary to permit access across the Buffalo National River to private lands outside the boundary along the Old Springtown Road. The private lands depicted on the map referred to in the bill are owned by Mr. Eddie Jones.

In 1982 Mr. Eddie Jones was given a temporary permit to use National Park Service land in Buffalo National River for the purpose of moving a house he had purchased within the national river to private land outside the boundary. Mr. Jones asked for a permanent right of access across park land but was refused. The Superintendent denied his request because the National Park Service does not have the authority to grant permanent vehicular access across park land for private purposes. Furthermore, the land is partially wooded and partially old pasture land that is now returning to its natural condition as a forest. Even if the authority were available, the use proposed by Mr. Jones would not be consistent with maintaining or fostering the natural conditions of the riverway.

In 1983 Mr. Jones sued the Department of the Interior for the right to permanent vehicular access across National Park Service land to the house he had moved to private land outside the boundary. On March 7, 1984, the United States District Court for the Western District of Arkansas dismissed the action, the Court finding that Mr. Jones has no right to use park lands for access to his residence. The judgment was affirmed on appeal.

Mr. Jones is not deprived of access to his house. He built a road outside the national river boundary to his house and has been using it since March 1984. Furthermore, in a serious emergency involving the health or safety of Mr. Jones or his family, there would be no question that he could use park land.

The effect of S. 1259 would be to grant Mr. Jones and his successors in title the permanent access right that the Superintendent and the United States Courts have denied him.

Mr. Chairman, private access across park land is an extraordinary benefit for Congress to grant to one individual. The facts as found by the United States District Court indicate that no special circumstances exist here. The court stated in part:

> The evidence shows that Mr. Jones, "with his eyes wide open", bought the residence that he now occupies at a public sale held by the government and then moved it to where it is now located, across public lands, after obtaining a limited authorization to do so, and after promising that he would within a prescribed time, provide other access to his home. In short, he was misled by no one and he invited his present predicament...the evidence indicates that he has other access to the property across lands once owned by his father, and now owned by other members of his family. In fact the easement signed by his father and introduced in evidence as Government Exhibit 9, presumably gives him access to the property.

Mr. Chairman, if the facts showed that Mr. Jones was misled or that he has no reasonable access to his house, we would not object to Congress providing some limited relief. However, the court found that he was not misled and Mr. Jones has alternative access to his residence. We see no benefit to the public by giving Mr. Jones and his successors perpetual access across park land and thereby encouraging other property owners and developers up and down the river to request private access roads for themselves.

We note that the bill requires a reasonable payment for the access granted but not to exceed $100 per year. We have not done an appraisal of the value of the access, and we cannot advise the Committee what it is worth. However, the payment is only required under the bill to cover administrative costs in granting the access. These costs should not exceed $100 per year, except that if special regulations are promulgated as required under subsection (c), the cost of publishing alone could exceed this amount.

S. 1297--de Soto Trail Study

We have no objection to the enactment of S. 1297, if it is amended to delete the one-year reporting requirement.

This bill would amend section 5(c) of the National Trails System Act to designate the de Soto Trail for study as a potential component of the National Trails System. The study would address the route of Hernando de Soto and his expedition of 600 men in 1539-43 through 10 states. The bill would require the study and recommendations as to the suitability of the trail for designation as a component of the National System to be submitted to Congress within one calendar year, rather than within three complete fiscal years as required under section 5(b) of the National Trails System Act.

The actual route traveled by de Soto will be difficult to determine after almost 450 years. Section 5(b) of the National Trails System Act sets forth in detail what every study report must contain, including maps of the proposed route, status of land ownership, current and potential use, and other economic and factual data. In addition section 5(b) requires consultation and cooperation with Federal land managing agencies, State and local governments, and public and private entities and landowners. One of the elements a study report must contain is the extent to which a State and public and private organizations might reasonably be expected to participate in acquiring and administering land.

These statutory requirements might be met in one year if the trail to be studied were short and involved one or two states. However, with 10 states involved and the time necessary for consultation and public review of the report, we do not believe the one-year completion time in the bill is realistic.

We understand that the purpose of the short deadline is to enable Congress to consider the report in advance of the 450th anniversary of de Soto's landing in May 1989, so that the trail may be designated by legislation before that date. We believe that designation of a National Historic Trail should be based on the best information obtainable. A study of only one year would not assure high-quality information. Other alternatives should be considered if Congress wishes to mark the 450th anniversary of de Soto's landing.

We estimate the study to cost a minimum of $250,000. If the de Soto Trail is designated for study, we would expect to conduct the work using existing staff. We would not intend to request additional funds to conduct the study.

H.R. 797--Gettysburg National Military Park

We strongly recommend enactment of H.R. 797, which was passed by the House of Representatives on March 10, 1987.

As passed by the House, H.R. 797 would direct the Secretary of the Interior to accept a donation of approximately 31 acres of land known as the "Taney Farm" for administration as part of the Gettysburg National Military Park in the Commonwealth of Pennsylvania. Section 2 of the bill places a moratorium on land acquisition outside of the administrative boundary, which is identified on the map dated July 25, 1974, until a boundary study is submitted to Congress.

Gettysburg National Military Park was established on February 11, 1895, to commemorate on-site one of the great battles of the Civil War. In fact, on the gently rolling farm lands surrounding the little town of Gettysburg, Pennsylvania, was fought one of the most decisive battles in American history. For three days, from July 1 to 3, 1863, a gigantic struggle between 75,000 Confederates and 97,000 Union troops raged about the town and resulted in 51,000 casualties in its wake. Heroic deeds were numerous on both sides, climaxed by Picketts Charge on July 3. The Union victory gained on these fields ended the last major Confederate invasion of the North and marked the beginning of a gradual decline in Southern military power.

The donation of the Taney Farm should be accepted by the United States because of its significant role in the struggle for Culp's Hill on the late afternoon and evening of July 2 and morning of July 3. Bested by General James Longstreet's Confederates in the terrible fight that had centered on the Peach Orchard, the Wheatfield, and Devil's Den, Union General George G. Meade was compelled to seriously weaken the forces holding the Culp's Hill area to shore up the Union left along Cemetery Ridge and Little Round Top.

Coincidentally, three Confederate brigades advanced to assail the Union troops posted on Culp's Hill. The left brigade--General George H. Steuart's--advanced across the Taney Farm driving in Union skirmishers. The Confederates then forded Rock Creek, taking longer to cross than anticipated, and reached the foot of Culp's Hill. Steuart's troops pressing ahead found that Federals had pulled out of the entrenchments along the spur extending south from the crest of Culp's Hill to Spangler's Spring. A rapid redeployment of his troops by Union General George Greene, to meet the threat to envelop his right and the advent of darkness caused the Confederates to hesitate, and they failed to exploit an advantage that may have turned the tide at Gettysburg.

During the night the Union troops sent to shore up General Meade's left returned to Culp's Hill sector. When the fight for Culp's Hill resumed, before daybreak on the 3rd, time had run out for the Confederates on General Robert E. Lee's left, as they first sought to exploit their success of the previous evening and seize the crest of Culp's Hill and reach the Baltimore Pike, and were then driven from the eastern slopes of the hill and across Rock Creek.

The Taney Farm is important to the interpretation and protection of Gettysburg National Military Park. It is the area across which Steuart's people advanced to cross Rock Creek and by their occupation of the deserted entrenchments threaten to turn the Union left and compel General Meade to abandon Culp's Hill, making the Union army's position untenable and resulting in a possible disasterous retreat to the Pipe Creek line.

As the Taney Farm borders Rock Creek and is within sight of Spangler's Spring, a key battlefield interpretive area, its possible acquisition by a developer would pose a threat to the resources that were included within Gettysburg National Military Park as established by Congress in 1895.

Further, this specific tract of land was identified in a June 1977 report prepared by the Advisory Council on Historic Preservation entitled "A Plan to Preserve the Historic Resources of the Gettysburg Area of the Commonwealth of Pennsylvania" as a historic area whose development could adversely impact on the park and whose protection is "critical" to the long-term preservation of the park resources. The tract was subsequently purchased by the non-profit Gettysbrug Battlefield Preservation Association to prevent its development within the park's viewshed and in anticipation of ultimately transferring the property to the National Park Service for inclusuion within the boundaries of Gettysburg National Military Park. The enactment of H.R. 797 would provide the specific authority to accept the donation.

The Taney Farm contains no existing historic structures related to the battle which would require perpetual care; and, therefore, its acquisition would not significantly increase the park's maintenance costs.

With regard to the moratorium on land acquisition outside of the administrative boundary and the requirement for a boundary study, we would note that the National Park Service has already initiated a study of the boundary for Gettysburg National Military Park. The study is being conducted, in part, because we agree that there needs to be a professional evaluation of the resources that should be included in the park.

In contrast to previous studies of civil war battlefield boundaries, the current study is being conducted with full involvement of park neighbors and their elected representatives. A series of meetings was held with local officials during June and on July 8 the study team had its first meeting with the general public to discuss issues that will be addressed. Several additional public involvement sessions are scheduled for the months ahead, and we expect to have our work on the study completed by the end of 1987. The National Park Service will identify the historic resources important to the story of Gettysburg, will assess alternative methods for protecting those resources, and will consider how potential boundary adjustments will affect the tax base and other local concerns.

H.R. 1744--Extending Authorization for Historic Preservation Fund

We recommend the enactment of H.R. 1744, which passed the House of Representatives on June 22.

Since the passage of the 1966 National Historic Preservation Act, we have witnessed an increasingly strong public interest in and support for historic preservation. The American public has demonstrated growing recognition of the importance of historical, architectural and archeological values in improving the quality of life in our cities, towns, and rural communities. The public's concern has moved from a narrow interest in individual historic buildings to the need to preserve the sense of identity of America's communities.

Our partners in the State historic preservation offices carry out the National historic preservation program at the State and local level in accordance with standards and regulations published by the Department of the Interior. Historic preservation programs operate in 59 jurisdictions, including two Micronesian governments now in Free Association with the United States. Over 300 Certified Local Governments now participate in the program under State auspices. Also, more than 3,000 communities have established local historic preservation commissions.

Far more than just a cooperative program among different levels of government, this program succeeds largely because of the degree to which it stimulates and facilitate citizen initiative and private investment in the goal of preserving our National patrimony. Just one facet of its work, the program of Federal Tax Incentives for Historic Rehabilitation, has stimulated 13,000 historic building rehabilitations since 1982 with a total value of over $9 billion.

We wish to emphasize that our support is for the program and the extraordinary partnership it engenders. This bill creates no obligation upon the Treasury, nor does it compel the Department to request additional appropriations in the future, and our support does not imply any commitment to make such requests.

This concludes my prepared remarks, Mr. Chairman.

Senator FORD. Mr. Parker, would you like to—let me just make a point with you here, Mr. Mott, and then we'll get to the others. Because we are pushed a little bit this afternoon, I don't want you to think, and those who are here, that we're not giving interest to this. The work has been done and we've reviewed it. We're now putting it on record, which is a proper procedure. All of these items have been given careful consideration. I don't want anybody to get the impression that we're running through here just to get something on the record.

As I say, I appreciate more and more the work that you do the more I get into it. I really hadn't understood all of it, and now that I begin to understand the hard work that is there I can understand the three years for the De Soto Trail. That is very significant. The confirmation of sites and locations and positions I think will be a tedious operation and subject to maybe an historical debate in order to get it done.

So Mr. Parker, you go ahead. I apologize for that. But I did want to get that statement on the record.

STATEMENT OF JAMES M. PARKER, ASSISTANT DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. PARKER. Thank you, Mr. Chairman. We appreciate that.

My testimony concerns six of the bills. I'll just briefly summarize, assuming my complete statements will be included in the record.

The first bill is S. 574, which involves the Battle Mountain Pasture Restoration in the State of Nevada. The Department supports enactment of this bill. We feel, however, that there are some amendments that should be added, and they are mentioned in the testimony, as well as included in an attachment to the testimony. They have to do with lifting a cap on administrative cost reimbursement to the Federal Government; on reverter language which would protect the land in its present use; and on protecting the rights of both the Federal Government and of some private interests.

Senator HECHT. Mr. Chairman, in the essence of time, may I submit a statement for the record on S. 574, since I introduced it. I won't take the time to read it.

Having been a businessman, whenever you make a sale you shut up. They just agreed to it and we agreed to it.

Senator FORD. Subject to amendments.

Senator HECHT. And we agreed to the amendments.

Senator FORD. My dad always said that when you make the sale you ask them when they want to pay. You say, now is all right. Think that one through a little bit.

[The prepared statement of Senator Hecht follows:]

July 30, 1987

Statement of Senator Chic Hecht

Mr. Chairman, I am pleased that among the bills on today's agenda is Senate bill S. 574, the Battle Mountain Pasture Restoration Act.

This bill will convey about 30,000 acres now held by the federal government back to the Pershing County Water Conservation District in Nevada. In 1934, this land and the accompanying water rights were acquired by the Bureau of Reclamation for a land reclamation and irrigation project known as the Humboldt Project. Under the terms of the Project, the Pershing County Water District assigned its purchase contracts and attendant water rights for Battle Mountain Pasture to the Bureau of Reclamation, and agreed to pay the cost of development of the Project.

The original cost of the purchase has been repaid by the project beneficiaries, and most of the subsequent loans against the project have also been repaid. The water rights have been severed, but the federal government still retains the title to the property.

There is no need for this to continue, but congressional action is required to assure the conveyance of the property to the Pershing County Water Conservation District. My bill accomplishes this transfer of the land.

I look forward to working with the Committee to expeditiously consider this bill.

Senator **Ford**. Mr. Parker.

Mr. **Parker**. Thank you, Mr. Chairman.

The next one is H.R. 242, which provides for solving a long-standing survey problem in the State of Wisconsin. We have no objection to passage of this bill. We believe that it would be beneficial, both to the Federal Government and to the private parties involved. It is a cost effective and efficient way of solving a problem that goes back to the 1870's. We haven't been able to resolve it and we think this would be a good way to do it.

The next bill is H.R. 990, which would convey a parcel of land located in California to the Imperial Valley College to be used for the Barker Museum at El Centro. We also support this bill. These lands were purchased by the Bureau of Land Management some years ago to be used as a visitors center. The museum facilities that the school is proposing to put on the land, would serve many of the same purposes that BLM had intended to use that site for. We feel it is a good transfer.

There is also reverter language in the bill which would protect the interests of the Federal Government.

The next bill is H.R. 1205, which would release a reversionary interest in certain lands located in Putnam County, Florida. Part of this bill pertains to the Forest Service, so we'll defer to them on that part.

We believe that this is a good bill. We have no problem with it. The part of the bill that concerns the BLM is the mineral interests. We see no problems in the provision of the bill. The Federal Government would receive value back for the lands exchanged.

The next bill is H.R. 1366, which would provide for the transfer of certain lands to the State of Arizona. The Department of the Interior has no responsibility for those particular lands. We would defer to the Department of Agriculture on that particular bill.

The next bill is S. 892. That's another bill to remove the right of reversion to the United States in lands owned by the Shriners or used by the Shriners for a hospital in Salt Lake City. The lands again do not involve Department of the Interior interests. They were private lands before. So we would also defer there to the General Services Administration.

[The prepared statements of Mr. Parker follow:]

Testimony of Mr. James Parker,
Assistant Director for Support Services
Bureau of Land Management
July 30, 1987
Before The Senate Committee on Energy and Natural Resources
on Bill
S. 574 - Battle Mountain Pasture Restoration Act

Mr. Chairman, I am honored to appear before this Committee to present the views of the Department on Bill S.574, commonly referred to as the "Battle Mountain Pasture Restoration Act."

This legislation would transfer title to approximately 30,000 acres of land acquired by the Bureau of Reclamation for the Humboldt Project, Nevada, to the Pershing County Water Conservation District, a quasi-political subdivision of the state of Nevada, and the entity responsible for repaying the appropriate costs of the Humboldt Reclamation Project. The title conveyance would be subject to all existing rights and would require the Pershing District to reimburse the United States for the administrative costs associated with the conveyance, not to exceed $20,000. While we have estimated that the administrative costs would be approximately $10,000, we believe that there should be no cap on the responsibility of the Pershing District to reimburse the United States for the administrative costs associated with the transfer.

The original purpose of the acquisition of the land by the United States was to obtain the accompanying water rights and to convey those rights to the storage behind Rye Patch Dam. Since those water rights have now been severed from the property, there is no longer any need for the United States to hold title to the property; however, no authority exists for the

United States to assure the conveyance of its rights to the property to the Pershing District. The water rights for the Battle Mountain Pasture lands are now secure within the rights stored and diverted by the Rye Patch Dam for the Humboldt Project, and in no way are currently connected within the lands covered in the proposed bill.

The Department supports enactment of S.574. This legislation, if enacted, would assure the beneficiaries of the Humboldt Project - the members of the Pershing District - an adequate summer pasture to continue their existing livestock farming operations. The original cost of purchase of the Battle Mountain Pasture lands has been repaid by the project beneficiaries, and as of September 30, 1986, all but approximately $162,000 of a subsequent loan made against the project has been repaid. This legislation would also protect the District's farmers and ranchers from having title over the pasture lands pass out of Federal ownership into the hands of those who might manage the land in a manner detrimental to the District's members. Since the pasture land is technically surplus to Federal needs, without legislative protection, this could happen.

We feel that this bill would be better if it were amended to:

(1) Impose conditions on the transfer. Under this proposed amendment, the water district would receive the lands subject to the requirement that they could be used only for grazing or other agricultural purposes, and could not be transferred except to the state, county, or other political subdivision for public purposes. In the event that these provisions are not complied with the lands would revert to the United States. These requirements are in accord with the desires of the local county to acquire part of the lands for a sewage treatment plant, and with the stated intention of the water district that it does not intend any new or different use of the

lands which are now used for pasture. Imposition of these restrictions on the transfer would substantually restrict the value of the interests which are being transferred out of Federal ownership and thus complies with the bill's provision that transfer be without direct payment to the United States. The amendment also makes it clear that the transfer does not relieve the water district of any existing contractural obligation to the United States, or of its responsibilities of protecting water rights for the Humboldt Project, nor will there be any change in land use contracts entered into by the United States prior to enactment of the bill; and (2) Remove the $20,000 limitation on administrative costs associated with the conveyence.

Proposed amending language is attached for the committee's consideration. Mr. Chairman, this completes our testimony on bill S.574.

Thank you.

PROPOSED AMENDMENT TO S.574

Page 4, line 19, strike-out, "not to exceed $20,000,".

Page 4, after line 22, add the following:

The Secretary shall not carry out the conveyence until the Pershing County Water Conservation District enters into a recordable agreement, in consideration of such conveyence, that is satisfactory to the Secretary as to form and legal sufficiency, providing that--

(1) the District will remain subject to its existing contracts and repayment obligations to the United States, pursuant to the terms of Contract Nos. Ilr-774, 14-06-400-429 and 14-06-200-819A with the Department of the Interior, Bureau of Reclamation, and all other existing contracts and obligations to the United States;

(2) the District will not use or permit the use of the lands conveyed by this Act for any purpose except for pasturage or other agricultural use, except to the extent that any portion of such lands may be transferred to the State of Nevada or any county or other political subdivision of such state for public purposes;

(3) the District will not transfer or attempt to transfer title to, or control over, any of the conveyed lands except insofar as title to or control over all or part of such lands may be transferred to the State of Nevada or any county or other political subdivision of such State for specified public purposes and subject to the condition that if the State or political subdivision should ever cease to use such lands for the specified public purposes or should ever attempt to transfer title to or control over such lands, the State or subdivision would forfeit such lands to the United States;

(4) the District will forfeit back to the United States title to and possession of the conveyed lands (except insofar as all or part of such lands, subsequent to their conveyence to the District pursuant to this Act, may have been transferred to the State of Nevada or any county or political subdivision thereof for specified public purposes) if the lands should ever cease to be used for pasturage or other agricultural purposes or if the District attempts to transfer title to or control over such lands; and

(5) the District will continue to protect water rights for the Humboldt Project, a portion of which was purchased with the lands conveyed by this Act.

No provision of this Act shall be construed to repeal or amend any existing lawful contract for land use entered into by the United States prior to the date of the enactment of this Act."

STATEMENT OF JAMES M. PARKER, ASSISTANT DIRECTOR, SUPPORT SERVICES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON S. 892, A BILL "TO REMOVE THE RIGHT OF REVERSION TO THE UNITED STATES IN LANDS OWNED BY THE SHRINERS' HOSPITALS FOR CRIPPLED CHILDREN ON LANDS FORMERLY OWNED BY THE UNITED STATES IN SALT LAKE COUNTY, UTAH."

I appreciate the opportunity to appear before the Subcommittee today to discuss S. 892.

S. 892 quitclaim and release any right of reversion held by the United States to the lands transferred by the Act of March 14, 1946 (60 Stat. 55, Chapter 91). The lands, which were situated within the Fort Douglas Military Reservation, Utah, were conveyed to the Shriners by the Secretary of War.

S. 892 does not involve any lands administered by the Department of the Interior. Therefore, we defer to the General Services Administration on the merits of the bill.

STATEMENT OF JAMES M. PARKER, ASSISTANT DIRECTOR, SUPPORT SERVICES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS & FORESTS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON H.R. 242, AN ACT "TO PROVIDE FOR THE CONVEYANCE OF CERTAIN PUBLIC LANDS IN OCONTO AND MARINETTE COUNTIES, WISCONSIN."

I appreciate the opportunity to appear before the Subcommittee today to discuss the Department of the Interior's position on H.R. 242.

H.R. 242 would allow the Secretary of the Interior to convey any portion of certain described lands totaling approximately 200 acres located in Oconto and Marinette Counties, Wisconsin, to citizens of the United States claiming and demonstrating possession of such land.

No conveyance could be made under authority of the Act until the Secretary determined that the conveyance was in the public interest and would serve objectives which would outweigh values which would be served by retaining the lands in Federal ownership. In addition, the Secretary would have to determine that no other statutory authority exists whereby the Secretary could afford appropriate relief to the involved parties.

In determining the price for which the land should be conveyed, the Secretary would be required to appraise the land on the basis of its fair market value at the time of appraisal and then deduct the value of improvements or development made by the person claiming possession or his/her predecessors in interest. The Secretary could then further reduce the price according to equitable considerations with respect to each conveyance, including, but not limited to, the amount originally paid for a parcel by the person claiming possession of such parcel and any taxes that were paid with respect to the parcel by the person claiming possession.

Land conveyed under the Act would be described in accordance with the rectangular system of survey, as reflected on the Federal plat of survey. If tracts of land do not conform to the survey, the Secretary could convey the tract to a trustee acting on behalf of more than one claimant for purposes of conforming the legal description to the Federal plat. The trustee would be required to convey the interests to the respective claimants.

H.R. 242 would require the Secretary to initiate action to implement the Act within 120 days of the date of its enactment.

We have no objection to enactment of H.R. 242.

H.R. 242 would resolve a long-standing title problem caused by a survey hiatus. In 1870, it was discovered that a hiatus of unpatented public land existed between two range lines. All the public land within the two ranges was patented by the United States during the period from 1850 to 1870. The unpatented public land in the hiatus has either been occupied and/or used by adjoining landowners for many years. Many of the affected landowners have indicated that they desire to obtain patents to the public land within the hiatus area.

The hiatus is of varying width and comprises approximately 197.4 acres. About 20 percent of the land is wooded. The remainder is used for agricultural and residential use. Crops include corn, oats and other grain. Barbed wire fences are located on the lands. Electric transmission lines, an underground pipeline, electric distribution and telephone lines and private access roads and driveways cross the hiatus. No rights-of-way have been issued by the Bureau of Land Management.

Section 203 of the Federal Land Policy and Management Act provides a procedure whereby the lands may be sold at fair market value. However, use of section 203 would probably result in many of the parcels being left unsold because of their location.

A preliminary review of comparable areas indicates that land values range from $150 to $500 per acre. BLM has spent over $25,000 in surveying, conducting briefings and researching status and title data. We estimate that about $50,000 in additional costs would be required if the lands are to be offered in accordance with section 203 of the Federal Land Policy and Management Act. Even then, BLM is not guaranteed that all tracts would sell. The Bureau could be burdened with the management of some lots that are 50 to 100 feet wide and 1,000 feet long.

After careful consideration of the additional costs that might be involved, the land mangaement problems, and the public interest to be served, we have determined that H.R. 242 is the most cost effective and efficient and expedient solution to a long standing land title problem. The provisions for payment for the land, with adjustments to reflect equitable considerations, is consistent with other Acts of Congress and administration philosophy.

This completes my statement. I will be pleased to answer any questions you may have.

STATEMENT OF JAMES M. PARKER, ASSISTANT DIRECTOR, SUPPORT SERVICES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON H.R. 990, AN ACT "TO DIRECT THE SECRETARY OF THE INTERIOR TO CONVEY A CERTAIN PARCEL OF LAND LOCATED NEAR OCOTILLO, CALIIFORNIA."

I appreciate the opportunity to appear before the Subcommittee today to discuss the Department of the Interior's position on H.R. 990.

This Act would require the Secretary of the Interior to convey, without consideration, to the Imperial Valley College, Barker Museum, of El Centro, California, all right, title, and interest of the United States in and to a described parcel of real property located near Ocotillo, California. A public museum would be constructed and maintained on the site.

The Act provides that the lands conveyed thereunder shall continue to be reserved, maintained, and utilized for public park and recreational purposes. If used for any other purposes, the lands would revert to the United States.

The lands described in this legislation are "acquired lands" that were once considered for the site of a Bureau of Land Management (BLM) visitor center. They comprise 22.98 acres valued at $23,000, on which is a well valued at $14,000. As acquired lands, they cannot be leased or sold under the provisions of the Recreation and Public Purposes Act.

It is our understanding that the design of the proposed public museum is similar to the design of the facility BLM was considering, and many of the same benefits and services would be provided to the public. Therefore, we have no objection to enactment of legislation to authorize this use for the tract.

This completes my statement. I will be pleased to answer questions.

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STATEMENT OF JAMES M. PARKER, ASSISTANT DIRECTOR, SUPPORT SERVICES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON H.R. 1205, AN ACT "TO DIRECT THE SECRETARY OF AGRICULTURE TO RELEASE A REVERSIONARY INTEREST OF THE UNITED STATES IN CERTAIN LAND LOCATED IN PUTNAM COUNTY, FLORIDA, AND TO DIRECT THE SECRETARY OF THE INTERIOR TO CONVEY CERTAIN MINERAL INTERESTS OF THE UNITED STATES IN SUCH LAND TO THE STATE OF FLORIDA."

I appreciate the opportunity to appear before the Subcommittee today to discuss the Department of the Interior's position on H.R. 1205.

Section 1 of H.R. 1205 would require the Secretary of Agriculture to release a reversionary interest of the United States in certain State land in Putnam County, Florida, provided that the State of Florida agrees to place a similar reversionary restriction on another parcel of State-owned land.

Section 2 of H.R. 1205 would require the Secretary of the Interior, subject to valid existing rights, to convey the mineral interests in the land to the State of Florida. The Secretary would be required, within 90 days after enactment of the bill, to determine the mineral character of the land and the fair market value of the mineral interests. The State of Florida would be required to pay the United States any administrative costs incurred by the United States in making the conveyance as well as the fair market value of the mineral interests, or $1, if the Secretary determines that the mineral interests have no value and are under no active mineral development or leasing.

We defer to the views of the Department of Agriculture on the merits of section 1 of the bill.

We have no objection to section 2 of the bill because the United States would be paid fair market value for the mineral interests as well as administrative costs incurred in conveying the mineral interests. These provisions are consistent with other Acts of Congress relating to conveyance of federally-owned mineral interests to surface owners of the land.

This completes my statement. I will be pleased to answer questions.

STATEMENT OF JAMES M. PARKER, ASSISTANT DIRECTOR, SUPPORT SERVICES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON H.R. 1366, AN ACT "TO PROVIDE FOR THE TRANSFER OF CERTAIN LANDS IN THE STATE OF ARIZONA, AND FOR OTHER PURPOSES".

I appreciate the opportunity to appear before the Subcommittee today to discuss H.R. 1366.

H.R. 1366 would require the Secretary of Agriculture, upon a request from the Payson Unified School District 10 in Arizona, to convey to the School District approximately 60 acres of land known as the Payson School Site, in the Town of Payson, Gila County, Arizona. The School District would be required to pay fair market value for the lands, as well as administrative costs, but the purchase price would be reduced by the amount of all rental payments made by the school district after 1960. Future rental payments would be limited to $12,500 a year.

H.R. 1366 does not involve lands administered by the Department of the Interior. Therefore, we defer to the Department of Agriculture on the merits of the bill.

Senator **Ford**. Thank you very much, Mr. Parker.

Mr. Beasley.

STATEMENT OF J. LAMAR BEASLEY, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. **Beasley**. Thank you, Mr. Chairman. I'll also brief my statement and ask that the full statement be put in the record.

Senator **Ford**. Your full statement will be included in the record.

Mr. **Beasley**. I am pleased to present the Department of Agriculture's views on three bills, S. 578, H.R. 1205 and H.R. 1366.

S. 578, to designate the Trail of Tears—We do not object to the enactment of this bill insofar as it concerns the Department of Agriculture. We defer to the Department of the Interior for an overall recommendation on this bill. I might mention it does cross portions of national forests in Georgia, North Carolina, Tennessee, Illinois and Missouri. We would be pleased to work with the Park Service if this bill is enacted.

H.R. 1205 is a bill that directs the Secretary of Agriculture to release a reversionary interest to the United States for certain lands in Putnam County, Florida, and directs the Secretary of the Interior to convey the mineral interests to the state.

The Department of Agriculture does not object to the enactment of 1205. It involves 1.1 acres of land. The state has agreed to acquire or place a reversionary interest on other lands that they have selected. These are Bankhead-Jones Act lands which were granted to the state of Florida in about 1937.

I might mention that the bill is not unique. There have been similar acts passed by the Congress. I would mention, however, that we have submitted to the Congress a generic piece of legislation that would give some limited authority to the Secretary of Agriculture to act on these under certain conditions without having to come before the Congress on an individual basis. We would encourage the Congress to enact this piece of legislation as they look ahead.

Senator **Ford**. Would that reduce paperwork?

Mr. **Beasley**. Yes, sir.

Senator **Ford**. Well then I think we might get after that right quick.

Mr. **Beasley**. We'd be delighted.

H.R. 1366 is a little more complex. It's a bill that authorizes and directs the Secretary of Agriculture to convey a 60-acre parcel of National Forest System land to the Payson Unified School District in Payson, Arizona.

The Department of Agriculture objects to this bill unless it is amended. Our proposed amendment would be to in some way reflect payment of fair market value of the land involved.

Senator **Ford**. The fair market value?

Mr. **Beasley**. The fair market value. Yes, sir.

Senator **Ford**. I understood in the testimony that Senator DeConcini and, I believe, Congressman Kyl—they were perfectly willing to reimburse the government for fair appraised value. It's over a long period of time though, I think.

Mr. **Beasley**. Mr. Chairman, the House-passed bill does provide for payment of the land. But it fixes the amount as of this date. It doesn't provide for payment of rental or use of the land in the meantime. The payback is over a 30-year period of time. Also there are no interest payments included in the House-passed bill.

The House-passed bill is certainly a move toward attempting to narrow the gap, but it does not quite, in due respect, go all the way to fair market value.

Senator **Ford**. So you do have that suggestion to add?

Mr. **Beasley**. Yes, sir. I might just mention that we do not object to this land passing out of National Forest ownership. Frankly, its highest and best use is for the school. It's already occupied by a junior and senior high. They wish to build an auditorium. We support that. We have a good working relationship with the Payson school district. We treasure that, as well as our working relationship with the community of Payson.

We really want to be good neighbors. There are existing authorities that would provide for such transfer. The Sisk Act, and in eleven western states we have the Township Act which provides such authority. But both do require payment of fair market value.

The other issue here is that many school districts have obtained land through existing authorities, and they have paid fair market value. More recently there have been two bills dealing with lands in Tennessee and Virginia where there was a payback over a five year period of time. But in those cases, they did pay the interest as well. That approach would certainly be acceptable to us as well.

So we would suggest that the bill be amended to reflect that.

Senator **Ford**. May I just ask you this question? As I understood the Senator and the Congressman, there was about one and one half percent of the land in private domain. The tax base was very, very high. One half percent—I'm sorry. That's even worse than I thought.

So it does encumber the small group of people there. There might be a reason for a little longer period of time than the five years. But you are willing to work with them to see if we couldn't work out something that would be acceptable?

Mr. **Beasley**. Yes, sir. I think the real question would be what is fair market value and the willingness to meet fair market value. We could certainly work with that.

Senator **Ford**. Fine. Since it is a school district and it needs an auditorium and there is a complex there, you've just stated your good working relationship and your good neighbor policy with them. I think we ought to try to move to something that is acceptable to both sides.

Mr. **Beasley**. There is no doubt, Mr. Chairman, that they do need the land. The community of Payson needs the land. We've had three such conveyances in the past three Congresses. But in those cases they were——

Senator **Ford**. A shorter period of time and paid their interest, their market value.

Mr. **Beasley**. The community of Payson obtained title to the land as was written in the original House bill without payment.

Senator **Ford**. Oh, okay. Do you have any others?

Mr. **Beasley**. No, sir. That concludes my presentation.

[The prepared statement of Mr. Beasley follows:]

STATEMENT OF
J. LAMAR BEASLEY, DEPUTY CHIEF, NATIONAL FOREST SYSTEM
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

before the
Subcommittee on Public Lands, National Parks and Forests
Committee on Energy and Natural Resources
United States Senate

Concerning S. 578, H.R. 1205, and H.R. 1366

July 30, 1987

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to present our views on several bills before the Subcommittee this afternoon. I plan to only address S. 578, H.R. 1205, and H.R. 1366. Since each of these bills deals with a different subject, I will discuss our position on each bill separately.

S. 578, a bill "To amend the National Trails System Act to designate the Trail of Tears as a National Historic Trail."

The Department of Agriculture does not object to the enactment of S. 578, insofar as it would affect this Department. We defer to the Department of the Interior for an overall recommendation on this legislation.

S. 578 would amend section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) by adding a paragraph designating the Trail of Tears as a National Historic Trail. The trail would go through portions of Georgia, North Carolina, Alabama, Tennessee, Kentucky, Illinois, Missouri, Arkansas, and Oklahoma. The trail would traverse portions of the Chattahoochee National Forest in Georgia, the Nantahala National Forest in North Carolina, the

Cherokee National Forest in Tennessee, the Shawnee National Forest in Illinois, and the Mark Twain National Forest in Missouri. The proposal would not require any trail construction or land acquisition in the National Forest System.

Section 2 of the bill would amend section 10(c) of the National Trails System Act to authorize appropriations to implement the intent of the new designation. The Secretary of the Interior would administer the Trail of Tears.

We reviewed and concurred with the recommended actions stated in a report prepared by the Department of the Interior analyzing the route of the Trail of Tears to determine the feasibility and desirability of designating the trail as a National Historic Trial. If S. 578 is enacted, we anticipate no significant impacts on the management of National Forest System lands. We would be pleased to cooperate with the National Park Service in the marking and management of those portions of the trail that cross National Forest System lands.

H.R. 1205, an act, "To direct the Secretary of Agriculture to release a reversionary interest of the United States in certain land located in Putnam County, Florida, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to the State of Florida."

The Department of Agriculture has no objection to the enactment of H.R. 1205.

This bill would direct the Secretary of Agriculture to release a reversionary interest of the United States in 1.1 acres of land in Putnam County, Florida, that is currently owned by the State. The land, which was acquired by the

United States in the nineteen thirties, was deeded to the State of Florida in 1954 under authority of the Bankhead-Jones Farm Tenant Act of 1937 (16 U.S.C. 551) and is now managed by the University of Florida, Institute of Food and Agricultural Sciences. The 1937 statute provides that such lands may be sold, exchanged, or granted to public authorities only on condition that the property is used for public purposes. If the land ceases to be used for this purpose, title reverts to the United States. The release of this reversionary interest is conditioned on Florida's agreement to place a similar reversionary restriction on another parcel of State-owned land.

The House act would also direct the Secretary of the Interior to convey to the State of Florida, the mineral rights to this parcel of land. In return, the State of Florida would pay any administrative costs and fair market value of the mineral interest, or $1.00 if the mineral interests have no value. We defer to the Department of the Interior concerning the mineral rights.

The release of the reversionary interest and sale of the mineral rights to the State of Florida property is necessary to clear the land title to permit its transfer to a private landowner.

This bill is not unique; there have been five similar laws enacted within the last four years. The last such action was in 1985, involving lands in Brantley County, Georgia. As a result of increasing pressures for development of rural lands, and our anticipation that requests to remove these reversionary interests on Bankhead-Jones lands will increase, the Administration has proposed legislation of a general nature that would reduce the need for future legislation on a case-by-case basis. It would provide limited authority to release the reversionary interests under a set of specified conditions. The proposal was presented to Congress on July 13 of this year. We would prefer that the Committee pursue this generic approach in lieu of taking further action on H.R. 1205. However, we would not object to the enactment of H.R. 1205.

H.R. 1366, an act that would authorize and direct the Secretary of Agriculture to convey a 60-acre parcel of National Forest System land to Payson Unified School District No. 10, Payson, Arizona.

The Department of Agriculture objects to H.R. 1366 unless amended to reflect payment of fair market value for the land involved.

First of all, we support the ultimate purpose of transferring this parcel out of Federal ownership to Payson Unified School District No. 10. It is our desire to work with local communities in meeting community expansion and other social and economic needs. The Federal land involved is part of a special use permit issued to the Payson school district over 15 years ago. The most current revision of the permit accepted by the school district in 1978 included an agreement that it acquire the land through exchange under the Sisk Act (16 U.S.C. 484a). The land is bounded on all four sides by lands in private ownership and has essentially lost its national forest "character." About 8.35 acres of the 60-acre tract is encumbered by town roads. Under the terms of the special use permit, the school district has placed improvements, including a junior and senior high school, on the property. Further plans include the construction of an auditorium.

The land [illegible] the improvements, has been appraised at approximately $723,000. Because use of the land would be limited in the conveyance to school purposes, the fair market value for purposes of exchange is estimated at $425,000. We feel that the general public is entitled to receive payment of this fair market value for the transfer of the land out of Federal ownership. The current annual market rental is $21,600 and is based on an appraisal completed in November 1986. After the School District appealed the large proposed fee increase from the previous year's fee, the Forest Service decided to phase the increase in over a three-year period. The first year's rental fee payment made in 1987 was $10,845.

As passed by the House of Representatives, H.R. 1366 would set an arbitrary annual payment for the use of the land at $12,500. It would further apply this payment and all prior use fees paid to date toward purchase of the National Forest System land. The School District would be allowed to continue to make these fixed payments, with an option to buy the land for a period of 30 years. The total amount, regardless of when paid, would be fixed at the current fair market value of $425,000 including all amounts paid for the use of the property from January 1, 1961, and extending until purchase, not to exceed 30 years from the date of enactment of this legislation. There would be no interest payment over the 30-year period.

The compensation provided in H.R. 1366, does not, in a true cost sense, approach the value of the school site as determined by appraisal. In addition, the payment arrangement bears no resemblance to common real estate business practices. Transactions involving payments of a lease with option-to-purchase clauses are typically set considerably higher than the rental-only amount. In addition, interest-free loans are almost unheard of.

Under existing authority, the Forest Service has exchanged over 2,600 acres of land in the Payson area over the last 15 years for the purpose of community expansion. Conversely, this is the third legislative action in as many Congresses granting land to the Payson community. We have made considerable progress using existing authority in exchanges across the country. In our Southwestern Region, National Forest System lands have been conveyed to 14 school districts in Arizona, five in New Mexico, and one in Oklahoma. These transactions all involved exchanges for land of equal value, including those involving cash equalization. This process is a fair and equitable means to provide a land base for the schools while assuring that the general public is compensated for the loss of the National Forest System land. Within the last five years, over 13 cases have been processed nationally, involving land valued at over $1.5 million. The authority used for such conveyances is the Sisk Act (16 U.S.C. 484a), which allows exchanges with school districts with up to a 100-percent cash equalization. Another authority used for conveyances to communities is the Townsite Act (16 U.S.C. 478a) which applies in the 11 contiguous western States. It also requires payment of fair market value for the land.

Recent House action on conveyances, such as for Unicoi County, Tennessee (H.R. 1004) and in 1984, for a tract on the Jefferson National Forest, Craig County, Virginia (98 Stat. 2661), are favored over the method proposed in H.R. 1366. These bills both required payment of fair market value for the land. We have interpreted these and similar bills in the past as indicative of the desire of

Congress to seek a fair return for the transfer of lands out of Federal ownership.

In summary, we feel that H.R. 1366 should not be enacted into law. Existing authorities give appropriate, reasonable options for the Payson School District to either acquire the land, or continue to occupy and use the land under National Forest permit. The values assigned for a current exchange, or continued use under permit should reasonably reflect consideration of the public nature of the use. We also feel strongly that H.R. 1366 would set a precedent resulting in a significant reduction in fees collected from the National Forest lands as other local community government entities and school districts became aware of the special consideration granted to the Payson Unified School District No. 10. Such special consideration is not equitable to other school districts who have acquired their land under existing authority. And finally, we feel it is not in the overall public interest to give up additional values beyond the values already committed under current law and policy. Although we do not support this special legislation, we would not object to H.R. 1366 if amended to provide for payment of fair market value.

This concludes my prepared testimony. I shall be glad to answer questions that the members of the Subcommittee may have.

Senator **Ford**. I appreciate your candid approach and seemingly very warm attempt to cooperate. There may, as we go through these—I've read several of them and I'm sure Senator Bumpers has been more closely associated with some of these—there may be some questions. I would hope that if they arise we might submit those to you in writing, and that you would expedite your answer to us so that we can proceed with this legislation. It is very important to several of the communities.

I do thank you all very much and look forward to working with you in the future.

This hearing is adjourned.

[Whereupon, at 2:50 p.m., the hearing adjourned.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

STATEMENT OF THE HONORABLE PETER H. KOSTMAYER
on H.R. 797, to authorize the donation of a 31 acre tract of land to the Gettysburg National Military Park

Subcommittee on Public Lands, National Parks, and Forests
July 30, 1987

Mr. Chairman, I would like to testify today in favor of H.R. 797, legislation which I introduced which would provide for the donation of a 31 acre tract of land to the Gettysburg National Military Park. This legislation was overwhelmingly approved by the House on March 10th.

This legislation is needed because of a provision in current law which allows acquisition only by purchase or condemnation proceedings -- not by donation.

H.R. 797 would authorize the Gettysburg National Military Park to accept this 31 acre tract of land which is being offered by the Gettysburg Battlefield Preservation Association. This tract, known as the Taney Farm, was occupied by Confederate troops during the fighting at "Spangler's Field" on the morning of July 3, 1863, and was later used as a field hospital. This property is listed as threatened on the President's Advisory Council Report on Historic Preservation. The Battle of Gettysburg ranks as one of the most important in our nation's history and it is my belief and that of historians that it is crucial to protect this particular historic tract.

The Gettysburg Battlefield Preservation Association worked very diligently to acquire this property and I believe it would be a grave disservice to the American people if this gift were not accepted. Therefore, I encourage the Committee to consider this legislation favorably and expeditiously. In so doing, we will help preserve and protect a significant part of one of our nation's most revered sites.

STATEMENT BY SENATOR GARN
ON BEHALF OF THE SHRINERS HOSPITALS FOR CRIPPLED CHILDREN
S.892
JULY 30, 1987

MR. CHAIRMAN, I SINCERELY WANT TO THANK YOU FOR AGREEING TO HOLD A HEARING ON THIS PROPOSED LEGISLATION TODAY. PLEASE KNOW THAT MANY HANDICAPPED KIDS IN MY STATE AND THROUGHOUT THE INTERMOUNTAIN WEST THANK YOU AS WELL.

THE EXISTING SHRINERS INTERMOUNTAIN HOSPITAL IN SALT LAKE CITY HAS SERVED THOUSANDS OF CHILDREN SINCE IT OPENED ITS DOORS IN 1951. THE SHRINERS HAVE OPERATED THEIR INTERMOUNTAIN UNIT IN UTAH SINCE 1925 AND HAVE PROVIDED HEALTH CARE THROUGHOUT THE YEARS FREE OF CHARGE. THEY AND THEIR HOSPITAL SYSTEM HAVE BEEN A GREAT ASSET TO UTAH AND THE ROCKY MOUNTAIN WEST. I BELIEVE WHAT THE SHRINERS DO FOR ALL OF THESE KIDS TYPIFIES EVERYTHING THAT IS RIGHT ABOUT THIS COUNTRY. AND SO, IT IS WITH GREAT PLEASURE THAT I CAN LEND MY SUPPORT TO THE SHRINERS AS THEY MOVE FORWARD WITH THEIR PLANS TO CONSTRUCT A NEW, MODERN HOSPITAL IN SALT LAKE CITY. MR. CHAIRMAN, THIS BILL WILL HELP MAKE THAT HOSPITAL BECOME A REALITY IN THE NOT TO DISTANT FUTURE.

AS WRITTEN, S. 892 WILL REMOVE AN EXISTING REVERSIONARY PROVISION OF LAW AND ALLOW PROCEEDS FROM THE SALE OF THE PROPERTY UPON WHICH THE EXISTING HOSPITAL SITS TO BE USED TO CONSTRUCT A NEW FACILITY ON THE UNIVERSITY OF UTAH CAMPUS. THE 1946 LAW WHICH MADE LAND AVAILABLE FOR THE EXISTING HOSPITAL (PL 79-324) INCLUDES A REVERSIONARY CLAUSE WHICH WOULD PREVENT THE SHRINERS FROM BEING ABLE TO APPLY THOSE PROCEEDS FROM THE SALE OF THE PROPERTY TO THE NEW HOSPITAL. I HOPE THE COMMITTEE WILL SEE FIT TO REMOVE THE REVERSIONARY LANGUAGE TO ASSURE THAT A NEW HOSPITAL CAN BE BUILT.

MR. CHAIRMAN, I UNDERSTAND THE GENERAL SERVICES ADMINISTRATION HAS EXPRESSED CONCERN ABOUT AN ALLEGED "WINDFALL" TO THE SHRINERS IF THIS BILL AS WRITTEN IS ALLOWED TO PASS. I BELIEVE GSA'S VALUE JUDGEMENTS ARE SOMEWHAT ASKEW, BUT ALSO BELIEVE SUCH OBJECTIONS CAN BE EASILY RESOLVED AND PLEDGE MY WILLINGNESS TO WORK WITH THE COMMITTEE TO ADDRESS GSA'S CONCERNS.

FINALLY, MR. CHAIRMAN, LET ME THANK YOU AGAIN FOR YOUR ASSISTANCE IN MOVING S. 892 THROUGH THE LEGISLATIVE PROCESS.

STATEMENT OF EARL E. JONES
COMMISSIONER
FEDERAL PROPERTY RESOURCES SERVICE
GENERAL SERVICES ADMINISTRATION
SUBMITTED TO THE
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
OF THE
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
IN WASHINGTON, DC
JULY 30, 1987

Mr. Chairman and members of the subcommittee:

I am Earl E. Jones, Commissioner of the Federal Property Resources Service, General Services Administration (GSA), and I would like to submit for the record the views of GSA on S. 892, a bill "To remove the right of reversion to the United States in lands owned by the Shriners' Hospitals for crippled children on lands formerly owned by the United States in Salt Lake County, Utah."

If enacted, S. 892 would provide for the quitclaim and release by the United States of any right of reversion held by the United States to the lands transferred pursuant to the Act of March 14, 1946 (60 Stat. 55, Chapter 91).

The lands subject to the bill consist of 7.8374 acres, more or less, and are the principal part of 7.8854 acres conveyed by the United States by quitclaim deed to the Shriners' Hospitals for crippled children (Shriners) on July 12, 1946, for the sum of $8,500. The deed of conveyance provides that the lands be used exclusively as a location for a hospital for crippled children and that, upon cessation of such use, title shall revert to the United States. It is our understanding that the purpose of the bill is to enable relocation of the present hospital facility to a more desirable site while saving the property harmless from Federal retrieval and also perhaps introducing the possibility of its sale.

GSA objects to the proposed legislation in its present form because it neither provides for monetary consideration in return for the release of the use restrictions nor offers any assurance that the purpose of the original conveyance will continue to be served. Without such provisions, the bill can only result in windfalls to the Shriners without any reciprocal benefit to the Government.

GSA recognizes, however, that the purpose of S. 892 cannot be accomplished under the provisions of existing law. We would therefore not object to the bill if it were amended to provide (1) that the existing hospital facility be sold at its fair market value; (2) that the United States receive the difference, if any, between the proceeds of such sale and the acquisition cost of the new hospital facility; and (3) that the purpose of the original conveyance be continued through the use of restrictions installed in the title to the new property. In that regard, GSA would willingly work with the Subcommittee to develop a textual revision which would both address our concerns and preserve the objectives of the bill.

STATEMENT OF THE HONORABLE JOHN MCCAIN

BEFORE THE SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

JULY 30, 1987

Mr. Chairman, I would like to take this opportunity to thank you for conducting this hearing on H.R. 1366 which concerns the conveyance of 60 acres of Forest Service land to Payson School District #10.

A community rich in history and heritage, the town of Payson is justifiably proud of the academic achievements the school district has attained. Since their establishment as a frontier community, the Payson School District has implemented an educational program that ensures equity, yet does not compromise educational excellence. But, the current problem the school district has encountered regarding the Forest Service land could pose a serious challenge to their continued pursuit of educational excellence.

Mr. Chairman, in 1961, Payson School District #10 entered into an agreement with the National Forest Service which permitted them to lease 45 acres for the purpose of building school facilities. In 1965, the Forest Service granted another permit which extended the leased land by an additional 15 acres.

This agreement had worked reasonably well up until the last few years when rising land values caused leasing costs to rise rapidly. The land was usually reappraised by the Forest Service every five years but, because of unanticipated delays in its appraisals between 1980 to 1986, the city was hit with a 200% increase for 1987. Furthermore, lease payments are estimated to rise by 515% between 1986 and 1989. This substantial and unexpected increase would pose a problem even for a well financed school district, but for a relatively small district such as Payson, this incredulous increase is financially devastating.

The Payson community is very cognizant of the importance of adequate levels of funding for the school district and is not averse to seeking alternative funding methods. Twice in the last five years the community has approved bond issues totalling more than $9 million. The school had previously invested $4.3 million into buildings and improvements on the leased land, and is in the process of completing several more buildings worth $8 million. It is unlikely, however, that the community would approve another bond election for the outright purchase of the Forest Service property. Moreover, Payson has almost reached its maximum bonding capacity, thereby precluding this avenue as a viable alternative.

The ability of Payson School District to complete these pending projects moves Payson closer to their goal of continuing to provide a quality education in a small community with limited funds. It also reflects the Department of Education's philosophy which reintroduces excellence into our educational system by providing specialized instruction, improved textbooks, and better teachers.

Another problem the Payson School District faces is its limited tax base, which stems mainly from the fact that it is surrounded by National Forest land. The fact that the city of Payson is unable to increase its land base is an inhibiting factor, and one that has plagued city officials for many years. But their inability to expand through land accumulation does not reflect the fact that the town's population has grown by almost 50% over the last few years. Furthermore, the student enrollment is expected to grow by 66% by the year 1995.

To keep and improve the land Payson has developed over the last 20 years, the city is faced with only one viable alternative; the passage of H.R. 1366. H.R. 1366, which has already passed the House of Representatives, would allow the Payson School District to apply for conveyance of the land within the next 30 years by adhering to the provisions set forth by this legislation. It permits the school district to make payments, not to exceed $12,500 per year, while continuing to use the school grounds. The land will be bought by the school at fair market value, less amounts paid out by the school district in the past for the lease. The passage of this legislation will allow the Payson School District to shoulder the financial burden of acquiring the land while allowing them to continue to upgrade and expand their facilities. In addition, the integrity of this legislation is protected by a clause which reverts the land back to the government if ownership of the property is transferred.

Again, I want to thank you, Mr. Chairman, and the committee members for the opportunity to address this very important issue and I sincerely hope this measure merits your support.

NEVADA FARM BUREAU FEDERATION
THE VOICE OF AGRICULTURE

Nevada Farm Bureau Federation

1300 MARIETTA WAY • SPARKS NEVADA 89431 • PHONE (702) 358-FARM

July 21, 1987

The Honorable Dale Bumpers, Chairman
U.S. Senate Subcommittee on Public Lands
Dirkson Office Building Room 308
Washington, D.C. 20510

Dear Chairman Bumpers:

We request that this statement be submitted as our testimony in the July 30, 1987 hearing on S. 574, The Battle Mountain Community Pasture Restoration Bill.

The Nevada Farm Bureau is an organization of county Farm Bureaus whose voting members are farmers and ranchers. We enthusiastically urge favorable consideration of S. 574 which would reconvey lands now held by the Federal Government back to private ownership as they were some years ago. Such action is justified, and represents the wishes of the principals directly affected.

In our opinion, S. 574 merely attempts to provide redress to a simple problem. The Pershing County Water Conservation District purchased two ranches in 1934 and transfered the water rights from these ranches to the Humboldt Project in order that sufficient water be available for the construction of Rye Patch Reservoir. The enabling legislation authorizing construction of the Humboldt Project required that title to these lands was to be held by the United States until further act of Congress.

Since that time, the Pershing County Water Conservation District has completely repaid all of the Project costs including the cost of the lands in question (Battle Mountain Pasture). The lands and the control thereof constitute an integral part of the overall operation of the Pershing County Water Conservation District by providing grazing pasture and opportunity for water management. Because the District has fulfilled is contractual obligation to the United States we feel that it is very appropriate that title to Battle Mountain Pasture be returned to the District.

Thank you for considering our views.

Sincerely,

David H. Fulstone II

David H. Fulstone II
President

cc: Nevada Congressional Delegation
American Farm Bureau Federation
Pershing County Water Conservation District
Pershing County Farm Bureau

TESTIMONY OF SENATOR PAUL E. TSONGAS BEFORE THE SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS ON S. 1012, A BILL TO DELAY THE TERMINATION OF THE LOWELL HISTORIC PRESERVATION COMMISSION.

JULY 30, 1987

Mr. Chairman, Thank you for the opportunity to testify on behalf of this proposed legislation. When I last appeared before this subcommittee to speak about Lowell nearly ten years ago, there were those who viewed this unique national park concept with some skepticism. A few suggested that the proposed park was merely urban renewal in disguise. Others questioned the value of the resource itself and the public's interest in visiting an old mill town.

Mr. Chairman, I am delighted to be able to say that the achievements of the past decade have borne out the wisdom of this subcommittee and of the Congress in establishing the Lowell National Historical Park. In 1978, I said that the federal investment would be a minority of the total investment in the park. The facts exceeded even our fondest hopes. Today federal appropriations of nearly $40 million for the park have stimulated an investment of almost $243 million from the private sector and a state and local contribution exceeding $35 million. In physical terms, this has resulted in the total transformation of the historic downtown park.

Lowell is in the midst of a cultural and physical revival unequaled since its awakening as the model industrial city of the 19th century. This renaissance bloomed from the seed of an idea more than 20 years ago -- that is, the story of Lowell is an important part of the history of the United States that needs to be preserved for present and future generations. In 1986, more than 800,000 people heard that story in Lowell.

We are here today, Mr. Chairman, not because the Lowell park has fallen short but because it has succeeded so well. For decades, economic collapse preserved the unique physical artifacts of Lowell's pioneering past. Now economic revitalization threatens inappropriate change to the city's last remaining unrestored cultural resource - its 5.6 mile power canal system. We need time, Mr. Chairman, for the Lowell Historic Preservation Commission to do for the canal system what it has already done for most of the preservation district: to serve as the catalyst for bringing together the energies and the creativity of federal, state, and local agencies with the private sector.

The proposed legislation is not a new departure. It applies a proven formula for success to fully realize and complete projects envisioned in the original legislation. Like the park's enabling act, the proposal before us has two components: physical preservation of nationally significant structures and sites - this time concentrated on Lowell's unique canal system - and cultural preservation and encouragement. I would like to address the cultural component of this proposal for a moment.

When Lowell National Historical Park was established in 1978, the Congress created the Lowell Historical Preservation Commission in order to knit together the architectural and cultural fabric of the city in a way befitting a national park. The unique character of the LHPC is seen in its theme statement: "To tell the human story of the Industrial Revolution in a 19th century setting by encouraging cultural expression.

Lowell's culture is its way of life, an urban experience shaped and defined by its roots as a manufacturing center and workshop for technological innovations as much as by the mosaic of people from more than fifty ethnic groups who were drawn to Lowell by the red brick magnets of its textile mills. Today, the American Industrial Revolution manifests itself in the clean white rooms of high tech laboratories epitomized by the Wang corporation based in Lowell. Today's immigrants are drawn by opportunities in new industries.

The social experience outside the workplace is an important part of the urban culture of America. The Lowell Lyceum hosted Henry David Thoreau and Ralph Waldo Emerson. Painter James McNeil Whistler was born in Lowell. Religious and ethnic festivals animated the neighborhoods. Vaudeville and movies were the entertainment of choice for workers in the 20th century.

Home crafts were passed from generation to generation. The imaginative life of our people must be remembered and preserved as carefully and thoroughly as the textile mills and canal locks.

The LHPC has been instrumental in preserving and presenting the Lowell story through arts and humanities programs such as the annual Lowell Conference or Industrial History; grants for concerts, books, and research; public art projects; and museum exhibits such as the Immigrants Exhibit and Labor Exhibit in the Patrick J. Mogan Cultural Center. Approximately 1/4th of the LHPC's funding request is devoted to cultural programs.

Public art along the Canalway will help weave together the visitor experience. Sculpture has proven to be a very dramatic and effective means of illustrating the Lowell narrative. Nearly $2 million has already been pledged by private donors to commission 23 sculptures in downtown Lowell. The Canalway artworks will extend the Lowell Sculpture Trail into the neighborhoods along the waterways.

Folklife Houses will be small ethnic centers and hospitality houses along the Canalway where visitors can taste the flavor of Lowell's ethnic society. The Folklife Houses will complement the Immigrants Exhibit in the Patrick J. Mogan Cultural Center.

The LHPC will continue its cultural grants program. Since 1981, the Commission has awarded 77 grants for projects including an illustrated history of the Greeks in Lowell; a school project on urban planning; an Hispanic music radio show; oral histories of the black community; and an Irish educational exchange program; and a volume of Labor History essays.

The LHPC will continue to produce events such as their annual Transportation Festival called "Antique Wheels" and children's activities in the Park while providing funds for two new events: The Canalway Festival and The Lowell Folklife Festival. They will also produce an historical pageant in Boarding House Park for summer visitors.

Finally, I want to mention Education. The Lowell Park grew out of the ideas of the Educational City and the City as a Museum. Learning is a key part of the Lowell Experience. The LHPC and Park Service have worked successfully with colleges and universities and school systems in the region for nine years. Lowell has hosted official delegations from around the country and the world who want to learn about the urban park and Lowell's revitalization. Research and hands-on learning are as important as canal tours and trolleys. I'm proud to have my name on the Tsongas Center for Industrial History, a museum education center for students, teachers, and families which will open in the Boott Mills Industrial Museum in 1989. The educational programs of the Lowell Park are vital to improving the quality of life in Lowell and other cities.

In its first half century, Lowell was a model for an industrializing America. Today, Lowell again serves as a model and a beacon of hope for industrial cities in decline by demonstrating what can be accomplished when the public and private sectors develop a common agenda. Within the National Park Service itself elements of the Lowell formula are being adopted as the agency seeks to meet new challenges in urban areas with limited federal dollars. Simply put, the secret of Lowell's success has been in translating its heritage into a source of local pride and energy and using that heritage to create a shared sense of purpose and a vision for the future. We are here today to ask for your help in completing that vision.

Thank you.

5-3

TESTIMONY OF MR. LAWRENCE ANSIN, CHAIRMAN, JOAN FABRICS, INC. OF LOWELL BEFORE THE HOUSE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS IN SUPPORT OF (S. 1012) A BILL TO DELAY THE TERMINATION OF THE LOWELL HISTORIC PRESERVATION COMMISSION.

JULY 30, 1987

Mr. Chairman, I am pleased to be here today to testify in favor of S. 1012 and to express the strong support of Lowell's business community for the proposal before you.

I am the Chairman of Joan Fabrics, Inc., one of the last remaining textile firms in Lowell. We are part of a traditional industry that stayed in Lowell's mills after many others left or went out of business. We have seen some bad times, but we have survived, we have modernized and today, we are one of the strongest companies in our industry domestically.

The Lowell Plan, Inc. is a cadre of over one hundred business professionals who raise private money for public projects. Founded in 1979 by former City Manager Joseph Tully and former Senator Paul Tsongas, it has brought Lowell's business leaders together to play an active role in the economic revitalization of Lowell. The Lowell Plan has raised $2.7 million in private contributions over the past eight years and has come to play a central role in the formation of development policy in the City of Lowell. I was a founding member and served as its first President.

In 1985, the Lowell Plan announced to the community a five-point plan which serves as the basis for our investments in new initiatives:

1. Office, Retail and Industrial Development
2. Housing
3. Canalway Enhancement
4. Access and Parking
5. Quality of Life, including culture.

Both canalway development and cultural programming are major agenda items of the Lowell Plan because we feel they are important to the economic health of the community.

The Lowell Historic Preservation Commission and the Lowell National Historical Park are well-respected institutions in the community and are clearly a positive influence on commerce and local development. Before Congress created these agencies, there was no tourism industry at all in Lowell. Since that time, we have seen double-digit increases in visitation each year leading to 802,000 visitors in 1986 with the expectation of over one million per year by 1990.

The Lowell Plan has worked closely with the Park and the Commission to make their presence in Lowell successful for all concerned. There have been four different kinds of interaction between these agencies and the business community:

(1) Private Participation in the Park: The Lowell Plan has demonstrated its belief in and support for the National Historical Park by expending over $500,000 on projects directly related to the Park.

For example, we have paid for development of a professional advertising campaign, brochures and a slide show to help the business community better understand the canalway and cultural programs of the Commission, and we have financed a feasibility study that helped attract a developer to rehabilitate Old City Hall, a property owned by the Park Service, but renovated under the Historic Leasing Act.

Perhaps the most critical role we have played was when the canalboat concessionaire decided to quit the business just weeks before the opening of the tourist season last year. The Lowell Plan acted quickly, stepped in and purchased the four boats because the Park did not have the money in its budget to do so. We leased them back to the park at cost, a cheaper price than the Park had been paying the concessionaire. Clearly, we have supported the Lowell Park not just with our words, but with our actions and our money.

Responding to the Commission's cultural programs which center on the themes of the National Park, the Lowell Plan has expended $80,000 to develop a cultural plan for Lowell. And responding to the leadership of Paul Tsongas, we have seen over $500,000 committed by the business community to the development of 20 pieces of public art along a "sculpture trail" that is located throughout the downtown National Park district. The Commission has played a role in several of these, contributing up to $25,000 where their investment has been matched several times over. Corporate participants have included the Hilton Hotel developer, high technology companies like Raytheon and M/A Com, and traditional firms Currier Citizen, a printing company. I am personally commissioning a piece of sculpture to commemorate the history of the textile industry in Lowell. The Lowell Plan and the Preservation Commission have played a central role in carrying out these projects. We expect in excess of $2 million in private funds to go into this effort by the time all are in place in 1990.

(2) Private Spinoffs: The development of the Lowell Park, and particularly the canalway projects and the trolley line, have sparked a recognition that the atmosphere for tourist-oriented businesses has improved. In 1985, the new Lowell Hilton Hotel opened at the Lower Locks of the Pawtucket Canal. This represents $24 million in private investment and an attraction in itself for visitors to Lowell, who can now dine at the Hilton's Canal Watch Cafe and see the tourboats lock through the Lower Locks.

New gift shops, artists galleries and restaurants have opened and professionally-promoted concerts and off-Broadway shows have now added Lowell to their itinerary. The Chambers of Commerce of Northern Middlesex in addition to sponsoring a summer concert series at Market Mills, has created a Conventions and Visitors Bureau to attract even more business activity to Lowell while attracting even more visitors to the National Park.

(3) Private Investment: But it isn't just the tourist industry that has benefitted from the creation of the National Park. Developers, property owners and business owners of all types have recognized the value of conforming with the plans for the park and the Commission's Preservation District. Over 140 buildings have been renovated in downtown Lowell's Preservation District, with nearly 75 of those in the last two years alone. This represents over $240 million in new private investments, an absolutely staggering sum when you consider the decaying condition of this area at the time the Park was created.

The Lowell Historic Preservation Commission has played an active role in those projects by virtue of its role in the Lowell Historic Board's design review process, but has played a particularly important role in assuring the highest quality renovation of some of the most significant structures by using its grant and loan authorities on 45 of these buildings. The Commission's programs have generated a private-public ratio of 9 to 1, a most impressive accomplishment, indeed.

(4) Regulation of Private Investment: The final kind of interaction between the Park, Commission and the business community is through the regulatory process for design controls that were mandated by Public law 95-290 so that Congress can be assured that each new investment, whether publicly or privately financed, will reinforce the themes of the National Park. While businessmen rarely welcome regulation, I believe it is accurate to say that everyone who comes into the Preservation District can see how positive these requirements have been. The number of garish out-of-place signs and storefronts have been steadily dwindling and the number of attractive, well-designed facades have been just as surely replacing them. I would venture to say that we probably now have the most attractive Woolworth's and Burger King in the country in our downtown!

The Lowell Historic Preservation Commission and the Lowell National Historical Park have worked well with the business community, and the business community has responded in a resounding favorable way in the past. I can assure you that that support and commitment will continue if (S. 1012) is enacted into law.

Lowell has been a model for other national parks in the way it has worked with the private sector to accomplish its goals. It has followed President Reagan's urgings for greater state, local and private support so as to avoid reliance on federal support entirely. We don't want to see an effective and successful organization like the Preservation Commission go out of business when so many important pieces of the canalway have not been fully completed. The bill before you will enable these projects to be done and will enable Lowell to realize its full potential. I urge you to approve (S. 1012).

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5-8

TESTIMONY OF ALAN JABBOUR, DIRECTOR, AMERICAN FOLKLIFE CENTER, THE LIBRARY OF CONGRESS BEFORE THE HOUSE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS IN SUPPORT OF (S. 1012) A BILL TO DELAY THE TERMINATION OF THE LOWELL HISTORIC PRESERVATION COMMISSION.

JULY 30, 1987

I am pleased to be able to testify before the Subcommittee on National Parks and Public Lands regarding H.R. 2035, a bill,to reauthorize the Lowell Historic Preservation Commission.

The enabling legislation for the Lowell Historic Preservation Commission was widely acclaimed at the time as an innovative approach to the preservation of an urban industrial legacy of national importance. A decade later this innovative approach has been vindicated, for the work of the Commission has proved highly successful. In saluting the successes already achieved, and the successes yet to come, I wish to call particular attention to the cultural aspects of the legislation and their relevance to Lowell's future.

The original legislation notes in its findings that "the cultural heritage of many of the ethnic groups that immigrated to the United States during the nineteenth and early twentieth centuries is still preserved in Lowell's neighborhoods," and elsewhere it makes provisions for "educational and cultural programs which encourage appreciation of the resources of the park and preservation district." Thus the legislation recognizes living ethnic and neighborhood traditions as an integral part of Lowell's cultural resources, and it encourages the Commission to develop educational and cultural programs addressing those living cultural resources. In carrying out its mandate, the Commission has understood its cultural responsibilities to include not only Lowell's past but the living cultural traditions of today--not only its built environment but the spiritual environment of its people.

The inclusion of folklife as a principal area of activity for the Commission in its new authorization period is thus both appropriate and welcome. The term "folklife" is aptly defined in the American Folklife Preservation Act (P.L. 94-201), which created the American Folklife Center in the Library of Congress. It is "the traditional expressive culture shared within the various groups in the United States: familial, ethnic, occupational, religious, regional." The panoply of ethnic traditions in Lowell's neighborhoods and workplaces represents a legacy of folklife that is no less significant than the legacy of Lowell's canals and mills. Such folklife traditions help us understand not only the Lowell of yesteryear but the Lowell of today, and the human values they conserve are a key to the city's future.

In the past year a happy collaboration has developed between the Commission and the American Folklife Center in the Library of Congress. Together we have designed a project to study and document the ethnic and neighborhood traditions of Lowell today. The tapes, photographs, and other materials gathered by the Lowell Folklife Project will be housed at the new Patrick J. Mogan Cultural Center in Lowell as well as at the Library of Congress, providing the research base for a variety of future public programs which both encourage the maintenance and development of Lowell's folklife traditions and deepen the public's understanding of them. Just two weeks ago we held a public ceremony in Lowell announcing the beginning of the project, and it is a pleasure to report that we have received an enthusiastic reception from a wide variety of organizations in the city.

The documentation phase of the Lowell Folklife Project will last about a year, after which we shall set about the task of designing public programs to share what we have learned. Simultaneously, the National Folk Festival--a distinguished annual festival produced by the National Council on the Traditional Arts--will be held in Lowell for three years, and Lowell will be featured as part of the Smithsonian Institution's splendid Festival of American Folklife on the National Mall, which will highlight the State of Massachusetts in 1988. We believe that this confluence of folklife activities featuring and focusing upon Lowell will benefit not only Lowell itself but many other industrial cities throughout the region, and indeed throughout the nation. Thus we endorse the proposed establishment of a regional folklife center in Lowell for research and interpretation of the region's traditional cultural life.

Just as Lowell has been a model for historic preservation and urban revitalization, so it can provide exemplary models for folklife programming in the future. The folklife programming we envision offers three important benefits. It encourages and strengthens ethnic and neighborhood traditions at the grassroots; it interprets those traditions for the benefit of the wider community and the general public; and it incorporates an understanding of those traditions, as repositories of community values, into the larger process of planning for a community's future.

Such a comprehensive approach to community cultural programming was anticipated by the National Historic Preservation Act Amendments of 1980, which called for a study and recommendations to the President and the Congress regarding "intangible elements of culture" and their relevance to the preservation responsibilities of the Federal Government. The Department of the Interior and the American Folklife Center collaborated in the resulting policy study, and it was published by the Library of Congress in 1983 with the title Cultural Conservation. The City of Lowell and the Lowell Historic Preservation Commission have now provided an ideal locale for implementing the concept of cultural conservation, and I am confident that the results of our efforts in Lowell will radiate to other cities, other preservation districts, other parks, and other cultural agencies throughout the United States.

I welcome this opportunity to testify regarding the pioneering work of the Lowell Historic Preservation Commission. We at the American Folklife Center look forward to working closely with the Commission and all the other organizations which have planned, restored, built, and conserved with such foresight for Lowell's future.

TESTIMONY OF THE HONORABLE ROBERT B. KENNEDY, MAYOR OF THE CITY OF LOWELL, MASSACHUSETTS, ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS ON S. 1012, A BILL TO DELAY THE TERMINATION OF THE LOWELL HISTORIC PRESERVATION COMMISSION.

JULY 30,1987

As Mayor of the City of Lowell, I would like to add my voice to those in support of S. 1012 and the efforts of the Lowell Historic Preservation Commission and the Lowell National Historical Park in our community.

In the 1970's, Lowell was a depressed community. Decades of economic and physical decay had eroded the spirit of our people and the fabric of our city. Unemployment was high. Dozens of downtown buildings were abandoned to the city for nonpayment of taxes. Local bankers and businessmen directed their investments away from our downtown.

The creation of the National Park in Lowell coincided with local efforts to take control of our destiny and accomplish a true revitalization of our community. Today, the public-private partnership we have fashioned has reduced unemployment from 12.6% to the 3 to 4% range and $240 million in private investment in over 140 downtown buildings has produced a broad-based rebirth.

The National Park and the Lowell Historic Preservation Commission have played a major role in this incredibly successful public-private partnership. The support for these institutions is extremely strong. The Lowell City Council and City Administration have been unwavering in their support. The Lowell Plan, a key business organization in our local revitalization has actively supported the Park and the Commission and particularly their plans for preservation and improvements to the canal system. The Chamber of Commerce has created a convention and Visitors Bureau, primarily to support the National Park. Local bankers, individually and collectively through the Lowell Development and Financial Corporation, have invested in numerous downtown historic buildings within the National Park boundaries.

Probably more telling than any other fact I can relate to you is the realization that I simply cannot recall any unkind words about the Park or Commission ever being printed or uttered in the media. These are high profile agencies and public support for them is extremely strong.

The work of the Park and Commission has attracted a great deal of attention from public officials and development professionals from across the nation and the world. Dozens of delegations have visited Lowell from Europe, Asia, Australia, South America, Canada and Africa, as well as from numerous American cities, each studying the impact successful public investment can have on a community's economic health. Prince Charles toured the Lowell Park, called it "an international model", and invited a group of Lowellians to England to help with ideas for the revitalization of depressed British mill towns.

My knowledge of the tremendous work of the Commission and Park comes from my first-hand experience as a member of the Commission for several years. The Commission's small, but hardworking staff has accomplished a great deal in a relatively short time: Market Mills, the trolley system, cultural programs, preservation of historic buildings, a master plan, design standards, and canalway demonstration projects. The Commission has augmented the work of the Park Service in Lowell, generating results far beyond those that could be expected of an agency without its special authorities.

The work of the Park and the Commission has been recognized by others, as well. Lowell received an "Entrepreneurial City" Award for 1987 from Partners for Livable Places, which specifically focused on the Commission's accomplishments. Secretary of Transportation Elizabeth Dole recognized the Park trolley system, which was developed by the Commission, by presenting an Award for Outstanding Public Service in Transportation last year. A jury of design and planning professionals from across Massachusetts selected the Market Mills project for a Governor's Design Award. Most recently, the Society of American Travel Writers gave the Lowell National Historical Park their 1987 Phoenix Award.

In 1985, I chaired the Commission's Transition Committee which began to prepare for the agency to go out of business on June 5, 1988. During these discussions, concern for the unfinished portions of the canal system came to the fore. The potential of our canal system was clearly not fully understood in 1978. Public Law 95-290 clearly points to the canals as a nationally significant historical resource worthy of preservation and interpretation, but only "demonstration projects" were called for in the Preservation Plan.

The Transition Committee launched a public process which culminated in its decision to seek an extension in the life of the Lowell Historic Preservation Commission for canalway-related projects and programming. Trips by members of the Canalway Task Force and Commission to see the C & O Canal in Washington, D.C. and the Riverwalk in San Antonio helped clarify the vision for what the Lowell canals could be. The trip to San Antonio was taken by 44 Lowellians including private businessmen who paid their own way, and helped develop a concensus among the community's leadership that the Commission's life should be extended and funding sought to properly meet the needs of our historic canal system.

The Lowell Historic Preservation Commission has been a model agency of the federal government. Working together, the Park Service and the Commission have made the Lowell National Historical Park one of the great success stories of the National Park system. Your investment to date has paid tremendous dividends. I can assure you that the investment to date has paid tremendous dividends. I can assure you that the investment you will make possible by passage of S. 1012 will yield even more impressive results for generations to come. I urge you and the entire Subcommittee to support this important bill.

CR
6-7

TESTIMONY OF DR. GARY KULIK, ASSISTANT DIRECTOR OF ACADEMIC PROGRAMS, NATIONAL MUSEUM OF AMERICAN HISTORY, SMITHSONIAN INSTITUTION BEFORE THE HOUSE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS IN SUPPORT OF (S. 1012) A BILL TO DELAY THE TERMINATION OF THE LOWELL HISTORIC PRESERVATION COMMISSION.

JULY 30, 1987

In 1820, the city we now know as Lowell did not exist. Within a generation, this settlement on the Merrimack River grew from a population of 200 to over 30,000. Its large brick textile mills, its boarding houses, its canals came to represent a new way of life utterly distinct from the nation's rural and agricultural past. Lowell was America's first great industrial city and the center of the nation's cotton cloth production in the years before the Civil War.

Lowell's early history is important for four reasons. First, its textile mills were America's first major industrial corporations. At a time when American manufacturing was the province of sole proprietors and partnerships, the mills at Lowell were owned by their shareholders who delegated day-to-day responsibility to their agents and superintendants. The corporations tapped a reservoir of Boston's mercantile wealth. Ably run by men such as Kirk Boott, they returned consistently handsome profits.

Second, the mills at Lowell were centers of technological innovation. They were among the first textile mills to combine spinning and weaving successfully. They were innovators in textile machinery development, in hydraulic engineering, and in power transmission systems. Lowell was where Americans first learned to create and to manage mass production technologies.

Third, the Lowell canal system was among the greatest engineering achievements of the nineteenth century. Grand in scale, complex in operation, the power canals in Lowell helped to harness the power of the Merrimack to produce inexpensive and reliable energy. Under James Francis, the system's chief engineer, Lowell became an international center for research and development in the science and technology of water power.

Fourth, the Lowell corporations created a novel labor system. They recruited young single women to work in their mills. Once there, they surrounded them with institutions -- boarding houses, churches, evening lectures, even a literary magazine -- designed to protect their virtue and to allay criticism. The paternalism of the corporations was not sufficient to keep these young women from defining their interests as distinct from and, on occasion, in conflict with their employers, but Lowell's labor system clearly caught the imagination of contemporaries. Distinguished foreign visitors such as Charles Dickens came as much to see the Lowell "girls," as they were then called, as they did the red-brick mills, the cavernous weave rooms, and the quietly efficient canals. Lowell was the place that American women in significant numbers first worked for pay.

After 1850, Lowell became important less as an innovator in industrial practice than as an exemplar of the principal trends in America's industrial history. I will isolate only two. After 1850, Lowell became home to succeeding waves of immigrants. The Irish, driven from Ireland by famine and the social consequences of British imperialism, were the first. They were followed by French-Canadians, by Greeks, by Poles, by Italians. Each found their way into the mills of Lowell, reconstituting the American working class as they did. Each made their peace with their new land shedding some old habits while acquiring new ones in the process of becoming Americans. Theirs was a history of ethnic clubs and churches, of trade unions and political parties, of the slow growth of a middle class. Victims of the Great Depression, they became agents of the transformation of American politics and industrial relations that characterized the 1930s. Their history matters, and is as worthy of preservation as is the history of Lowell's early years of industrial triumph.

That initial triumph turned to ashes in the 1930s. The collapse of the cotton-textile industry devastated Lowell, as it did Manchester, New Hampshire, Fall River, Massachusetts, the Pawtuxet Valley in Rhode Island, and so many other places where cotton had once been king. A full generation before learned commentators talked of deindustrialization, or evoked the image of a vast "rust belt" streching from the Atlantic coast to the shores of Lake Michigan, the men and women of Lowell knew in their guts the painful meaning of industrial decline -- unemployment, despair, migration. Once the proud and arrogant symbols of America's industrial greatness, the mills, the boarding houses, the canals became derelict, testaments to a fickle international economy and to the folly of single-industry cities.

Lowell has of course revived. We would not be here if it had not. The Lowell Historic Preservation Commission has been both beneficiary and agent of that revival. The mills have regained their luster, and Lowell's noble past is more widely known than ever before. But it will not due to forget the years of despair, the years of the bulldozer. For it is the history of those years that might well serve the understanding and the interests of those men and women struggling today in Pennsylvania, in Indiana, in Ohio, and Michigan with the problems of industrial decline.

Let me conclude with a brief comment on the work of the Lowell Historic Preservation Commission and the National Park Service. Museums and historic sites tend to be shrines, uncritical celebrants of the received wisdom of the wealthy and powerful. Such places typically slight the history of ordinary people, gloss over or ignore conflict and tragedy, and do little more than serve as press agents for the local worthies whose history they enshrine. Lowell could have become that. But it did not, and the leadership of the LHPC and the NPS deserve credit. The interpretaion of industrial history at Lowell has set high standards, of scholarship, of honesty, of clarity. Like all of us, it can do better. But those of us who work in museums are in its debt, for making our jobs easier. And the American people are in its debt for the effective manner it has shed light on our industrial past. The Lowell Historic Preservation Commission deserves reauthorization so that it can continue to "tell the human story of the industrial revolution," a story that is not yet concluded.

TESTIMONY OF ARMAND W. LEMAY, CHAIRMAN, LOWELL HISTORIC PRESERVATION COMMISSION, BEFORE THE SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS ON S.1012, TO DELAY THE TERMINATION OF THE LOWELL HISTORIC PRESERVATION COMMISSION.

JULY 30, 1987

Mr. Chairman:

Aside from all the informative testimony you have heard and will be hearing, I want you to know how grateful the people of Lowell are to you, the Congress of these United States of America, for having the vision and foresight to support a city which had a story to tell about its people, its culture, its canal system, its gate houses, its mills, its water power, its accomplishments, and yes, its heartaches.

Nine years have gone by since your first funding and the formation of the Lowell Historic Preservation Commission. The only commission of its kind in the country. Nothing anyone can remember ever had more enthusiastic support from the people of Lowell than the formation of the Urban National Park. Not only did it change the direction in which the City was headed by revitalizing so many historic buildings, but what it did to the citizenry was something to behold. The Park gave them renewed pride in themselves and their city. It also brought to our city what many never thought would ever be possible -- tourists; over 800,000 of them last year alone! Is there any wonder why we are so grateful to you, for you see, by your actions and support these past years, you have also made it possible for families to stay in Lowell; as for many years, the due and cry of many young people was to leave the city. I am happy to state that trend has changed dramatically.

I can also attest to that personally, as out of my family of six brothers and two sisters, all born in Lowell, I am the only one still living in Lowell; but that was the older generation. Now, I have five sons ages 19 to 33-- none have left Lowell, and all love it.

I am one of many hundreds and possibly thousands of families to which this wonderful turn of events has occurred. That to me, is due in no small measure to you, the members of Congress, for supporting the National Park in Lowell. When I think of the years 1974 and 1975 when I had the honor of being mayor of the City of Lowell, things were not as they are today. Back then, you could touch, kick, and feel apathy. Unemployment was around 18%. Businesses and the city government rarely discussed anything. It was even a problem to have the downtown businesses wash their storefront windows. Some in city government even wanted our canal system to be covered over and made into parking lots.

It was in January of 1974 when I met Patrick Mogan, the father of the Lowell National Historic Park, who spoke for hours on end about what he saw for the City of Lowell, the city where the Industrial Revolution began, and the city that had a story to tell. After listening to him, I said why not? Why not begin now? Unfortunately, Pat cannot be here today, but his written testimony is being presented to you. Please, look at that one carefully. He's quite a guy.

I would like to update you on the status of Public Law 95-290 which created the Lowell National Park and the Lowell Historic Preservation Commission, and to present our case for passage of S. 1012. This bill would extend the life of the Commission for 7 years, increase its authorization by $12.1 million to complete the restoration of our historic canal system and related nationally significant structures, further develop folklife and cultural programs, and complete the Canalway, a linear park along the canals.

I have been a member of the Commission since it began in 1978, and I am proud to say we have accomplished the things we were mandated to do. We have worked with the National Park Service to create a model National Park within a complex and diverse city rich in historical and cultural resources.

The Commission is not simply an advisory group, but a key player in creating a new type of national park that relies on partnerships with local and state government and the private sector for its success.

The Commission has special authorities that enable it to work with the private sector and cultural organizations to help the Park develop expeditiously, according to the wishes of Congress. Since 1978 it has used these authorities to do the following:

1) prepare a Preservation Plan approved by the Secretary of the Interior in 1981

2) create a design review process and enforceable standards for preservation and development in the historic district surrounding the National Park

3) preserved 10 key historic buildings named in the Act

4) co-developed an historic mill complex for cultural, interpretive, and commercial purposes

5) implemented demonstration walkway projects along the canal system

6) created a transportation system with historic trolleys and canal barges

7) created successful grant and loan and technical assistance programs for preservation of historic buildings and cultural programs

8) secured state and local matching funds equal to Commission's authorization

The Commission has a small professional staff of 10 and 15 appointed members. The membership, appointed by the Mayor, City Manager, Governor, President of the University of Lowell and the Secretaries of Interior, Commerce, Transportation and HUD, provides us with the expertise needed to carry out complex projects. The Commission meets monthly, and maintains close scrutiny over all policies and projects, assuring that they comply with the Preservation Plan.

I would like to highlight a few of our successful projects -- undertakings that have made the Lowell Park so noteworthy, and that couldn't have happened without the Commission.

MARKET MILLS: This historic mill complex would have been demolished without the Commission's abilities to work with a private developer to convert is into a mixed-use housing, commercial, restaurant, and interpretive center that greets the national visitor to Lowell. This is the site Prince Charles asked to visit when he came to Lowell last year.

GRANTS AND LOANS: The Commission uses the carrot and stick approach. The most significant buildings have been assisted with matching grants, owners being required to rehabilitate them according to strict preservation standards. Later when the Commission took the lead in establishing local regulatory controls for the entire historic district surrounding the Park, the grant projects became the examples of how to do it right. To date 44 projects have been done. The overall private share is $7 for every Commission $1. A list of project is available.

FOLKLIFE AND CULTURAL PROJECTS: The Commission is mandated to "tell the human story of the American Industrial Revolution in Lowell" and includes a social history or cultural component in all its major projects (such as the Mogan Cultural Center, Canalway demonstration projects, and Park Trolley). In addition, the Commision operates a cultural grants program that has sponsored 77 projects in the categories of research, performances, publications, public art and technical assistance to organizations providing programs that support the National Park themes. This year, Lowell has become the first community to be involved with the nation's three main folklife programs at the same time. They are doing research and sponsoring festivals highlighting Lowell's diverse multi-ethnic people. We are proud to be a model, and look forward to our story becoming a part of the American Folklife collections at the Library of Congress.

One relatively recent area of concentration for the Commission is on the National Landmark canal system which traverses the city and around which the National Park was created. We carried out a demonstration project on the Pawtucket Canal as mandated in the original legislation and were gratified to see what a positive ripple effect it has had. By removing two non-historic buildings and building a walkway to open up the water to public view, we began what has become known as the Canalway -- a linear park system throughout the city that features the canals. This has generated much private investment as well as additional support from state and city government.

Unfortunately, despite the active participation of the city and state, our original development authorization is not adequate to restore the remaining key sites along the canals or to complete the Canalway paths to make these sites accessible to the public. The state has recently acquired boating and land rights to the system which is still in private ownership, and has spent over $10 million on canal-related restoration and public parks. But it cannot do the job alone.

The Commission, because of its unique authorities and ability to work with the private sector and cultural organizations, is desperately needed if the canal system -- the jewel of the National Park -- is to be protected. Another unique feature of the Commission is its capable on-site technical staff which can accomplish the necessary projects in a minimum amount of time.

S. 1012 does just a few things. It delays termination of the Commission for 7 years so that we can complete this very important undertaking we have begun. It increases our development ceiling by $12.1 million to accomplish the historic preservation and cultural programs necessary to make the Canalway the highlight of a finished park of which you will be proud. It does not expand the Commission's powers or jurisdiction. Our original Act was well crafted and has served us well. For that we thank you.

I would like to submit an editorial that appeared in the LOWELL SUN on July 5, 1987. It says: "Reauthorization for the LHPC deserves the broadest possible support. It shows the creative, efficient use of public funds to benefit a wide community. Funding (this agency) represents as shrewd an investment as Washington is likely to make."

Much has been accomplished by the Lowell Historic Prerservation Commission since its inception nine years ago; but in spite of all the hard work already done, we find more needs to be done to complete our assigned tasks. As Chairman, I ask you, I beg of you, please let us continue telling the story of Lowell by funding the reauthorization of the Commission for another seven years, in order to complete the restoration of our historic canal system, and further develop folklife and cultural programs which the Commission feels will add to and enhance all the bricks and mortar projects which have already been completed.

So you see, Mr. Chairman and members of the Subcommittee, this is not a new agenda, but rather an unfulfilled agenda.

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THE SUNDAY SUN
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by Thomas F. Costello
John H. Costello, Sr., *Publisher*
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Park life

Confronted by an administration that sees little value in funding historic preservation and urban revitalization programs, U.S. Rep. Chester Atkins, D-Mass., has a tough selling job these days.

One of the most important selling jobs he faces is under way now as he prepares for a July 14 hearing before the House Interior Subcommittee on Public Lands and National Parks. Atkins is busy lobbying colleagues on the wisdom of extending the life of the Lowell Historic Preservation Comission for another seven years.

If the only issue were giving a bureaucratic agency a longer life span, the problem would be less acute. But the legislation for the LHPC's charter extension also will carry a $12 million price tag. In a Democratically-controlled Congress desperate to save social programs and faced with President Reagan's intention to cut nonessential, non-military government spending, proposals like the LHPC's are in perpetual danger of being rejected or being gutted.

To use Rep. Atkins' own analogy, "We face a tougher struggle on the reauthorization than the salmon do in getting to the headwaters of the Merrimack."

But like those few salmon with the perseverance to reach the headwaters, arrival means life. And that's the issue for the LHPC – life for this city.

With reauthorization, the preservation commission will be able to complete work on the city's 5.6-mile canal system, inlcuding all remaining closed locks. It will enable the project to become an urban jewel capable of physically unifying the city.

With continued funding, the commission will be capable of promoting waterfront development for commercial and cultural life. Given the state investment in the University of Lowell and a Lowell campus for Middlesex Community College, plus the $60 million Massachusetts Mills housing project and several other significant developments, the city's inner core is due for a significant increase in the number of residents with disposable income – thus making waterfront development not only aesthetically desirable but economically profitable.

Entrepreneurs are likely to take a risk, but they need the groundwork the commission can undertake.

With an extension, the commission will be able to expand the national park's old-fashioned trolley system. Like the canals, the trolleys are an integral part of the 19th century industrial setting the Lowell National Park program attempts to revive.

The federal government already has made a significant investment in this community. Much of that funding has been centered around the national park and the related urban heritage park, run by the commonwealth. Working together, the public and private sectors have made Lowell the envy of cities across America. More than that, they have made Lowell the model for their own revivals.

But Lowell's urban renaissance is far from complete. The projects on the preservation commission's agenda all are part of the original vision outlined a decade ago by Paul E. Tsongas, who then held Atkins' Fifth Congressional District seat. Those goals made sense then, and they make sense now.

Reauthorization for the LHPC deserves the broadest possible support. It shows the creative, efficient use of public funds to benefit a wide community. Funding represents as shrewd an investment as Washington is likely to make.

TESTIMONY OF DR. PATRICK J. MOGAN BEFORE THE HOUSE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS IN SUPPORT OF (S. 1012) A BILL TO DELAY THE TERMINATION OF THE LOWELL HISTORIC PRESERVATION COMMISSION.

JULY 30, 1987

I would like to share with you some ideas I have had regarding the cultural and educational resources that can dovetail with the efforts of the Park and the Commission. These ideas were presented as a keynote speech entitled "Reflections and Visions" at the Lowell Cultural Plan Conference on November 22, 1986:

"Every great civilization had one thing in common - a positive sense of the future which infuses the present with a sense of purpose, hope and expectation". A positive sense of the future was formulated in the Model Cities days when we were overwhelmed by a sense of depression and negativism. Let us reflect upon the state of affairs in 1966, what we planned to address in that state of affairs, what has been accomplished, and what must yet be done to achieve that positive sense of the future which will infuse the present with a sense of purpose, hope, and expectation.

The plan had its genesis in the search for educational success for their children by the people of the Model Cities' area. Had previous governmental approaches been successful, there would not have been a need for Model Cities. Due to the failure of previous governmental programs - like Urban Renewal - now people were allowed a voice in the planning and implementing of programs which affected their lives.

In 1966 the people identified the following state of affairs:

1. Too many people inside Lowell and virtually all outside of Lowell viewed Lowell in a negative frame of reference. Lowell is an industrial and ethnic city. The convential wisdom said it should shed both of these attributes. The conventional wisdom said that you have to become something else to become something better.

2. My own experience showed me that there were factors more powerful than the schools as presently organized which determined educational payoffs or results. I consider myself a reading expert. Working with students I was able to take them to a good level of reading. Then, when I would see these students five or ten years later, it appeared as if the expert never existed.

3. Results of the Coleman Report - indicating that the home, neighborhood, and peers (depending upon whether they were viewed negatively or positively) were about an 80% factor in achievement and that the school, as presently organized, was only a 20% factor.

Accordingly, to treat the 20% factor alone (the school) and ignore the 80% (the home, neighborhood, and peers and the perception of the city as a whole) would be an exercise in futility. The people decided to look at the total physical, aesthetic, social, and cultural environment which make up our city.

To analyze this state of affairs, the physical attribute (the industrial city) and the psychological attribute (the ethnic city), the findings of were examined.

Physical - Kevin Lynch, Environmental Psychologist at M.I.T.

"When the parts of an environment lack any understandable relationship between the parts, a sense of alienation develops which ends up in an all-pervasive hopelessness". This was a good evaluation of Lowell as we started our search for educational pay-offs.

Psychological - Eugene D. Genovese

"Until a people can and will face its own past, it has no future". Yet, our monocultural model of education was denying that past.

Patrick J. Moynihan - Historian and Sociologist

"The sense of the past has usually been linked in human consciousness with a sense of the future and this connection has been especially dynamic in the Western Christian world. Allow the one to wither or foreshorten and the other will follow suit". This implied that we were planting our own seeds of destruction if we denied our cultural background.

William Bundy - Historian

"Every great civilization had one thing in common - a positive sense of the future - infusing the present with a sense of purpose and expectation.

There appeared to be a complete disassociation from the present and past. This was very serious, for scholars have been saying for a long time that people needed "roots" and a positive sense of being as prime ingredients for development.

Accordingly, one would have to look at the present and into the past to discover what positive elements of that physical environment (the industrial city) and the psychological environment (the ethnic city) could be used as stepping stones into the future. So important was the finding of this positive and substantial link that it would he necessary to forge or concoct a linkage from some element - no matter how inconsequential.

Fortunately, upon looking into Lowell's past and present, we found out that Lowell had a very substantial and proud story to tell about man and his relationship to his environment. In that search, we saw that not only did Lowell have a proud and interesting history, but also that the Lowell story is a most important part of the history of the U.S. - namely, that Lowell is a living exhibit of the process and the consequences of the American Industrial Revolution. Around this story can be orchestrated the economic, educational, and social redevelopment of Lowell. To bring about this economic, cultural, and educational development, we came up with the Lowell

National Historical Park and the Lowell Heritage State Park as means - not ends in themselves - for achieving our stated goals. These means were intended to utilize the physical environment and the cultural environment as two interrelated attributes which were worthy of being celebrated and shared with other people around the U.S. and the world. However, I must say that we believed the cultural or people element was our prime focus.

Originally our plan called the Lowell National Cultural Park - because our prime focus was to give dignity and respect to our people - but friendly bureaucrats in Washington said that the governmental agencies could deal more comfortably with the physical aspect (the artifacts of the industrial city) rather than the human aspects of the story.

However, the wording was inserted in the Act to allow the telling of the human story. We knew that both the physical and the cultural (or human story) was needed to tell the complete story of the American Industrial Revolution. In fact, we knew that the physical development was needed as "props" around which we could tell the human story.

But let's go back to what we meant by the human story, or way of life, or culture of our people. By culture, we mean the harmonization of the economics of the industrial city and the human factors - the adjustments, practices, and other human endeavors which evolved to give meaning to life. So, to give the physical story or economic story without the closely associated human story would be giving the physical story out of context. Likewise, to give the human story without the closely associated economic story would be giving the human story out of context. Also, relative to our definiton of culture, let me point out its relationship to the arts and humanities. The arts and humanities are means for expressing that rich culture. Let me give you two quick examples.

1. When Edgar Allan Poe was visiting a young lady in Lowell, he was impressed by the church bells and the factory bells - this was the basis of this poem, "The Song of the Bells".

2. The Greeks have a very active group dance whereby one after another of the dancers drop off the dance. This action is in commemoration of Greek women who jumped off a cliff rather than submit to the ravages of a conquering Turk army.

Before I state some of the programs which could make up the cultural dimension of the National and the State Parks, let me give you a concrete example of the deep thinking of the Model Cities' people. Our documents had statements about the value of our culture, its connection with the industrial city, and the positive role that the various ethnic groups played in the development of the U.S. This was in 1968.

In 1976, the U.S. Congress enacted into law the American Folklife Preservation Act. The goals of that Act are virtually identical to the stated goals of the Model Cities' program. Let me read from Section 2 of the American Folklife Act:

Section 2 of the American Folklife Preservation Act reads:

(1) that the diversity inherent in American folklife has contributed greatly to the cultural richness of the Nation and has fostered a sense of individuality and identity among the American people;

(2) that the history of the United States effectively demonstrates that building a strong nation does not require the sacrifice of cultural differences;

(3) that American folklife has a fundamental influence on the desires, beliefs, values, and character of the American people;

(4) that it is appropriate and necessary for the Federal Government to support research and scholarship in American folklife in order to contribute to an understanding of the complex problems of the basic desires, beliefs, and values of the American people in both rural and urban areas;

(5) that the encouragement and support of American folklife, while primarily a matter for private and local initiative, is also an appropriate matter of concern to the Federal Government; and

(6) that it is in the interest of the general welfare of the Nation to preserve, support, revitalize, and disseminate American folklife traditions and arts.

For the cultural development of Lowell, I propose to continue and enchance the themes around which we became the Lowell National Historical Park and the Lowell Heritage State Park. Around those themes, we were able to restore the physical artifacts associated with those themes. Now a great challenge, and even a great opportunity, exists by presenting the human story associated with those physical artifacts. Also, associated with the human story is the process of experimentation which was very much related to our development as the premier industrial city of the United States. What is proposed is a two-pronged program, one presenting for present and future generations the human story (way of life) which made Lowell a living exhibit of the process and the consequences of the American Industrial Revolution. The other prong is the reinstitution of that process of research and development which enabled Lowell to be the leader in the industrial process.

This two-pronged programmatic approach concentrates on the interaction between the economics of industrialization and the human actions (factors) or accommodations to the technologies and other business arrangements which were integral to the production process. This interaction brought about a way of life, or culture, which is just as much part of the American Industrial Revolution as the application of technology and other business practices to the production of goods. The harmonization between the economics and the human factors is the culture which is the focal point of the agenda for the future. Lowell is a living exhibit of this culture and must present this culture (way of life) to present and future generations so that visitors and local people can more fully appreciate the process of industrialism in Lowell and the United States.

Lowell is blessed with this culture, but the culture cannot be fully appreciated, or understood, without giving the same treatment to the human factors that was given to the physical factors which resulted in the Lowell National Historical Park and the Lowell Heritage State Park. The development of the physical artifacts associated with Lowell as a living exhibit of the process and the consequences of the American Industrial Revolution has had its economic benefits. The clothing of these physical artifacts with the human story can produce economic benefits which will far surpass any of the economic benefits to date, while at the same time a cultural, esthetic, and artistic character will be evident which will make Lowell an outstanding place to live, work, and learn.

Our long range plan calls for a vision of the future which will take about twenty five years to achieve. This vision portrays Lowell as the city in the U.S. where people of all ethnic backgrounds can see and learn about the positive cultural contributions made by their ancestors to the development of the U.S. So elevating to their sense of pride will be this portrayal that people either seeking knowledge of their roots, or the process whereby America came to be what it is, that people from all over U.S. and the world will make Lowell a destination. This celebration of the culture calls for the nurturing and presentation of the human story by Lowell's people. Along with the local presentations will be touring cultural presentations from the various foreign countries which make up Lowell's background. Also, cultural programs such as the Tambouritzens from Duquesne University will be presented.

The long-range plan will call for a Botanical Garden in the 1,000 acre Lowell-Dracut Forest and an Exploratorium which utilizes the City of Lowell as an object, the waterways as an object, and the sky as an object to stimulate ideas and products to improve the overall quality of life - utilizing the city as an urban laboratory for all levels of learning and for all disciplines. The seeds for the Botanical Gardens were planted in the Model Cities era when Georgi Keppes, Director of the Center for Advanced Visual Design at M.I.T., suggested that we should "take the forest to the city". What is proposed is to utilize the 1,000 acre forest as the locale to produce those flowers, plants, and trees typical of those countries which make up our ethnic composition and then transplant them along the river and canal banks. It is even proposed that tree farms be developed along our state highways. These tree farms can then become economic crops.

The Exploratorium is an extension of the role the Locks and Canals played, particularly under the leadership of Mr. J. B. Francis.

J.B. Francis conducted action-research on turbines which enabled Lowell to be the leader in the application of new knowledge to technology. In 1980, the U.S. Commerce Technical Advisory Board recommended "that the Department of Commerce take the initiative to stimulate local science and technological centers similar to the Exploratorium in San Francisco, the Museum of Science and Industry in Chicago, and the Science Museum in Boston in all major metropolitan areas of the country." It is possible that these two major programs (the Botanical Gardens and the Exploratorium) could be developed by a combination of local, state, and federal governments and private corporations who have already been involved in the portrayal of old world cultures. These two programs could "infill" the present state and national parks since the stated themes of the two parks can be enhanced by the Exploratorium and the Botanical Gardens.

The short-range plan calls for the development of programs which can stand on their own merits and, at the same time, serve as a foundation for the long range program and/or elements of the long-range program. Virtually all of these proposals were discussed, and in some cases, detailed over the past ten years. So there is an element of "grass-roots" which speaks well for the success of these activities. The harnessing of this well-spring will create the overall atmosphere in which the long-range vision can be achieved.

The strategy for uncovering and recreating these significant human activities will be to look into the human factors associated with the major themes which serve as the basis of both parks. Also, because Lowell is the living exhibit of the process and the consequences of the American Industrial revolution, many activities can be created related to "the process and the consequences".

These themes are:

1. hydropower and technology
2. story of immigration
3. living and working in the industrial city
4. story of labor
5. corporate and management systems and events and processes evolving due to the interaction of all of the above

These activities include: The ringing of bells in Lowell; the creation of a Lowell Motifs Art Project with an annual exhibition; the formation of a string ensemble for youths and adults specializing in ethnic music; the planting of gardens along canal and river banks and in home flower boxes; the sponsoring and hosting of travelling exhibits related to Lowell's culture; the initiation of a foreign educational exchange program for Lowell students; the establishment of a fishing research station on the Merrimack River; the sponsoring of an annual pageant of ethnic theme floats; and the development of an interscholastic crew league."

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TESTIMONY OF ARTHUR ROBBINS OF LOWELL INN ASSOCIATES IN SUPPORT OF (S.1012) A BILL TO DELAY THE TERMINATION OF THE LOWELL HISTORIC PRESERVATION COMMISSION.

JULY 30, 1987

Mr. Chairman, I am pleased to be here today to testify in support of this bill.

I am here both as a developer and as a partner in Lowell Inn Associates which developed the Lowell Hilton Hotel. The hotel is located at the Lower Locks of the Pawtucket Canal in the Lowell National Historical Park.

While many people here today can tell you about the recreational and developement potential of the canals and the proposed canalway, I can tell you, firsthand, how important the federal investment in the canalway demonstration project at Lower Locks has been.

My partners and I wanted to put our hotel out on the Route 495 highway that runs through Lowell. But Paul Tsongas and Joe Tully, who was the City Manager at the time, wanted the hotel to be built downtown, in the National Park, on the canal. It took a great deal of convincing before my partners and I accepted the idea that a downtown site on a canal had real potential. It was a dirty vacant lot with a gatehouse overgrown with weeds and canals full of debris.

The City, the State's Heritage Park, the Lowell Plan, the National Park Service and the Lowell Historic Preservation Commission pulled together in a tremendous display of intergovernmental and interagency cooperation to create with us one of the most dramatic and dynamic locations for a hotel anywhere in the country.

My partners and I made our investment: $24 million in private funds. The Park Service made a major commitment of technical assistance to help design the canalway and, with city and state support, rehabilitated the Lower Locks Gatehouse. The Lowell Plan landbanked a building for us. The Heritage State Park restored the locks and built the walkways. The City built an adjacent parking garage and pedestrian bridge over the canal.

The Preservation Commission acquired two buildings that had covered the canal at Central Street, revealing new vistas and providing for walkways on each side of the bridge along the Pawtucket Canal. The Commission had earlier done the master planning that had established the vision for what this area could be like. The Commission stayed with us throughout the project and we jointly funded a public art project which involved $25,000 from the Commission, $75,000 from the City and $50,000 from myself and Lowell Hilton Inn.

As the vision for our project developed, Wang Laboratories was attracted to locate its Corporate Training Center on the other side of the canal, making an additional $15 million private investment. The City and State also joined together to fund $7 million in improvements to its municipal auditorium which today hosts national concert acts, a repertory theater and conventions.

Altogether, over $39 million in private investment was augmented by $18 million in city and state funding for the garage, the auditorium and an access road, $3 million in State Heritage Park funds and $1,450,000 in Commission funds, which were augmented by substantial technical assistance staff time from both the Commission and the Park.

Today, we have a successful hotel. We have an outdoor plaza along the canal side of the hotel that we call The Canal Watch Cafe where you can go for lunch or an evening cocktail and watch the Park tourboats lock through the Lower Locks and up the Pawtucket Canal toward the Merrimack River. It's a very attractive and dramatic location.

Our project, I think, shows that the development and recreational potential of the canalway is real. That the right mix of planning, interagency cooperation and public funding can create an atmosphere that permits a major private investment to be made. This is precisely the kind of thing the government should be doing.

The Park and the Commission are extremely important to Lowell if we are to see this kind of thing happen again along the canal system. I believe that the federal investment called for in this bill will generate state and local action, and most importantly, significant private investment in the next few years. The Commission is the appropriate lead agency in this effort. I urge you to support this bill.

CR
5-21

GREATER LOWELL CENTRAL LABOR COUNCIL
A.F.L.-C.I.O.
P.O. BOX 2227 HIGHLAND STATION
LOWELL, MA 01851
1 (617) 452-5549

DAVID J. CUNNINGHAM
– President –

KENNITH W. HARKINS
– Vice President –

JOHN W. STAFFORD
– Treasurer –

WILLIAM J. BLAIR
– Recording Secretary –

July 21, 1987

The Honorable Dale Bumpers
Chairman
Subcommittee on Public Lands,
National Parks, and Forests
U.S. Senate
Dirksen Senate Office Building Room 308
Washington, D.C. 20510

Dear Senator Bumpers:

I am writing in support of S. 1012, a bill to delay the termination of the Lowell Historic Preservation Commission.

One of the five themes of Lowell National Historical Park is Labor. The Park is a tribute to the working people of this country. The Greater Lowell Central Labor Council has worked closely with the LHPC since 1978. The Preservation Plan required that the LHPC assist the GLCLC in developing an exhibit about working in an American Industrial Society. The Labor Exhibit will open in the Patrick Mogan Cultural Center in 1988. Soon, one million people a year will hear the history of Labor as told by Labor.

The LHPC serves an important role in telling the story of the workers, the unions, the struggles and victories, the experiences and accomplishments - the story of the people who made America work.

Sincerely,

David J. Cunningham

David J. Cunningham
President

DLC:rn
9-18

LOWELL HISTORICAL SOCIETY

POST OFFICE BOX 1826 LOWELL MASSACHUSETTS 01853

July 20, 1987

Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands
National Parks, and Forests
Dirksen Senate Office Building Room 308
Washington, D.C. 20515

Dear Senator Bumpers,

I write in support of S. 1012, a bill to extend the life and the mandate of the Lowell Historic Preservation Commission. This matter is of great importance and I strongly support the legislation.

In my capacity as President of the Lowell Historical Society and as an individual who has been associated with the Lowell National Historical Park and Lowell Historic Preservation Commission since 1979, I have seen the vital role the Preservation Commission has played in the city. The Commission, through its efforts, has enhanced not only the physical environment that makes up the Park but also contributed to a greater understanding of the city's culture and its national significance. We at the Lowell Historical Society have worked closely with the Commission and have found them to be one of the most positive forces active in the effort to tell the "Lowell story".

The projects the Commission will undertake if its term is extended are integral elements in the National Park. It would seem likely that without the Commission, the Canalway and Folklife projects might not be brought to fruition, truly a loss for the city and the National Park system. It is with these thoughts in mind that I urge you to look favorably on S. 1012. Thank you for your attention in this matter.

Sincerely,
Peter Richards
Peter Richards
President

HMI HISTORIC MASSACHUSETTS INCORPORATED

80 Boylston Street, Suite 130
Boston, MA 02116
(617) 350-7012

July 23, 1987

The Honorable Dale Bumpers
Chair, Subcommittee on Public Lands,
National Parks and Forests
Dirkson Senate Office Building, Room 308
Washington, D.C. 20510

Dear Senator Bumpers:

On behalf of Historic Massachusetts, the statewide private non-profit preservation organization, I enthusiastically ask your support for S. 1012, to "increase the amount authorized"for property acquisition, development, transportation, education and cultural programs" through the reauthorization of the Lowell Historic Preservation Commission.

The Lowell Historic Preservation Commission has served as a catalyst for the renaissance of Lowell. The Commission serves as a model for local, state and national preservation efforts. It has provided the impetus for Lowell's rebirth through the creation of the Lowell Historic Board, allocation of grants and loans for rehabilitation projects, and the development of the mills complex and canal system.

Unless reauthorized by Congress, The Lowell Historic Preservation Commission will cease operations in 1988. It is critical that Congress reauthorize the Commission for an additional seven years and add $12.1 million to its development authorization in order that it can continue to tell the human story of the Industrial Revolution in the United States.

Thank you for your continuing support of historic preservation.

Sincerely,

Alan G. Schwartz
Executive Director

cc: Senator Edward Kennedy
Senator John Kerry
Congressman Chester Atkins
Peter J. Aucella

The Chambers of Commerce & Industry
Northern Middlesex
Billerica Chelmsford Dracut Dunstable Lowell Tewksbury Tyngsborough Westford

KEVIN E. COUGHLIN
President

July 27, 1987

The Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands,
  National Parks and Forests
United States Senate
Dirkson Senate Office Building
Room 30B
Washington, D.C. 20510

Dear Senator Bumpers:

On behalf of the Chambers of Commerce and Industry, Northern Middlesex, I would like to express support for S. 1012, which would reauthorize the Lowell Historic Preservation Commission for canalway and cultural projects and complete the development of the Lowell National Historical Park.

From a business perspective, the federal investment in the Lowell Park has been an extremely positive one. A great deal of private investment has been generated that simply would not have occurred without the stimulus provided by these federal dollars, so wisely spent.

Before the National Park was created, there simply was no such thing as tourism in Lowell. That was just eight years ago. The public responded quickly to the Park and tourism has grown to 802,000 visitors in 986 mostly in the warmer months of the year.

We expect to see visitation rocket past the one million level per year by 1990, now that more attractions are available. The Suffolk Mill Turbine Exhibit opened recently. A heated, enclosed trolley car will be added to the system befor fall so that visitors can comfortably move between Park attractions as the weather gets colder. With the opening of the Mogan Cultural Center on schedule for this winter, and the Boott Mills Museum/Tsongas Industrial History Center and Boardinghous Park to follow next year many visitors, who enjoyed earlier versions of the park tours, will likely return to experience the new features being offered.

ACCREDITED

45 PALMER STREET • LOWELL, MASSACHUSETTS 01852 • TEL. (617) 454-5633

Because of the strong support among the businesspeople, both locally and throughout the region, for the efforts of the Park and the Commission, the Chambers has undertaken an effort to create a regional Convention and Visitors Bureau, now headquartered within the Park area in a renovated, historic firehouse in downtown Lowell. The Chambers, also, sponsors an annual summer concert series at the Market Mills Stage in downtown Lowell, which attracts thousands of individuals to the outdoor theater. We believe that we can help the Park's success to grow and the Park can continue to help the region's businesses to expand and succeed.

As President and Chief Executive Officer of the Chambers, I participated with a number of businesspeople who are Chambers members in a trip with local community leaders to study the Riverwork in San Antonio, Texas. There is no doubt that the business participants in this trip returned committed to realizeing the potential of the Lowell canal system.

S. 1012 addresses the unfinished business of the Lowell National Historical Park and particularly the canalway issues which must be addressed by the Lowell Historic Preservation Commission. Your approval of this legislation is strongly supported by Lowell's business community.

Sincerely,

Kevin E. Coughlin

KEVIN E. COUGHLIN
President and
Chief Executive Officer

WHISTLER HOUSE MUSEUM
LOWELL ART ASSOCIATION, INC. — ORGANIZED 1878
243 WORTHEN ST. LOWELL, MASSACHUSETTS 01852
(617) 452-7641

July 17, 1987

Honorable Dale Bumpers
Chairman
Subcommittee on Public Lands,
National Parks, and Forests
Dirksen Senate Office Building Room 308
Washington, D.C. 20510

Dear Sen. Bumpers:

The Whistler House Museum supports S. 1012, the reauthorization proposal for the Lowell Historic Preservation Commission, which states, "to increase the amount authorized to be appropriated for property acquisition, restoration, and development, and for transportation, educational, and cultural programs, relating to the Lowell National Historical Park; to continue the term of a member of the Lowell Historic Preservation Commission pending the appointment of a successor; to adjust the quorum of the Commission in the event of a vacancy; and to delay the termination of the Commission."

The Whistler House Museum has been the recipient of financial assistance from the Lowell Historic Preservation Commission for facade renovation, and has also received cultural grants for exhibitions; in particular, the Commission was one of the sponsors of last year's exhibit, Samuel P. Howes: Portrait Painter which featured portraits of Lowell residents painted between 1835 and 1881.

Both the facade renovation, which was completed in time for special exhibits from the Smithsonian celebrating Whistler's 150th anniversary, and the exhibit of Howes portraits, increased visitation to the museum. The museum is visited not only by travelers from across the United States but from around the world, and many of our attractions would not have been possible without the assistance of the Lowell Historic Preservation Commission.

We strongly urge Congress to act favorably on the legislation to extend the Commission for seven more years and to add $12.1 million to its development authorization.

Sincerely yours,

Richard K. Donahue

Richard K. Donahue, President

Birthplace of James McNeill Whistler

A
BRUSH
WITH
HISTORY
gallery and artists' studios

July 20, 1987

The Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands,
National Parks, and Forests
Dirksen Senate Office Building Room 308
Washington D.C. 20510

Dear Senator Bumpers,

A Brush With History Gallery and Artists' Studios urges the support of S. 1012 entitled "To increase the amount authorized to be appropriated for property aquisition, restoration, and development, and for transportation, educational, and cultural programs, relating to the Lowell National Historical Park; to continue the term of a member of the Lowell Historic Preservation Commission pending the appointment of a successor; to adjust the quorum of the Commission in the event of a vacancy; and to delay the termination of the Commission". This reauthorization proposal for the Lowell Historic Preservation Commission will enable the Commssion to complete implementation of projects which are critical to the Lowell National Historical Park.

A Brush With History Gallery and Artists' Studios began in 1982 as a project of the Lowell Historic Preservation Commission and is currently an autonomous arts organization representing over thrity artists and serving the city of Lowell and its visitors as the visual arts cornerstone of the community. A non-profit service and educational organization, it provides studio and exhibition facilities to local artists and organizations facilitating the cultural rejuvination of the city. Through the support of the Lowell Historic Preservation Commission, A Brush With History has offered educational programs to the schools, workshops to the general public, and studio classes to local artists.

A Brush With History, soon approaching its fifth birthday owes its success to the Lowell Historic Preservation Commission as does every artist and patron of the arts in the city of Lowell. It cannot be overstated that the vitality and quality of the cultural life of the city of Lowell would not be possible without the support of the Lowell Historic Preservation Commission.

We strongly urge Congress to act favorably on the legislation to extend the Lowell Historic Preservation Commission for seven more years and to add 12.1 million dollars to its development authorization.

Sincerely Yours,

Kate Greenberg
Executive Director

256 Market Street, Lowell, Massachusetts 01852 Market Mills, Lowell National Historical Park Visitors Center

CHARLES R. MATTHEWS
ASSISTANT CITY MANAGER
ADMINISTRATION

ROSANNE M. RIDDICK
ASSISTANT CITY MANAGER
OPERATIONS

JAMES J. CAMPBELL
CITY MANAGER

(617) 454-8821

OFFICE OF THE CITY MANAGER
CITY HALL
LOWELL, MASSACHUSETTS 01852

July 23, 1987

Honorable Dale Bumpers
Chairman, Subcommittee on
Public Lands, National Parks & Forests
United States Senate
Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Bumpers:

I have had the privilege of working closely with the Lowell National Historic Park and Lowell Historic Preservation Commission over the past eight years, first as Assistant City Manager and now as City Manager.

The presence of these agencies in Lowell is a result of Congress' response to a locally-developed idea. As the community defined the need for the Park and Commission ten years ago, so again has concensus been built around the need for S. 1012 to be passed.

I have worked very closely with each of the Park Superintendent Commission Directors, and their staffs over the years and can say without reservation that I have never dealt with a more professional and committed group of public servants than those people. Their presence in Lowell has been a major plus for our revitalization. As for their efforts, I can assure you that the Market Mills and the Bridge Street Boardinghouse would have been added to the list of significant historic structures bulldozed out of existence. Some of our most historic buildings would not have been preserved or rehabilitated, and our rich cultural heritage would have remained relegated to obscurity.

I want to stress, however, that the City Government of Lowell has done its part in backing up the federal investment that has come to our community:

1) The City has invested over $11 million in local funds in support of the Park and Commission, including the installation of brick sidewalks, cobblestone streets, and Victorian street lighting, as well as the development of a 1000-car parking facility adjacent to the Park Visitor Center and improvements to vehicular access, signage and the landscaping of public spaces.

"Home of the Urban National Park"

2) The City has established the Lowell Historic Board, one of the most powerful design review agencies in the nation. Its nine-member board is appointed independently of local politics and has a free hand in its decision making. All buildings (historic or non-historic) located in the 543-acre Lowell Historic Preservation District, are subject to these controls, even when the proposed improvements are totally financed by private funds. By state statute, the Board is empowered to impose fines of $100 per day for violations of its standards. Over 450 historic permits have been issued since 1984 when the board was created.

3) The City implemented historic preservation design standards that are similar to the Secretary of the Interior's Standards for Historic Preservation and are even more stringent in some cases.

4) The City has become a co-sponsor of numerous ethnic festivals and cultural events, has inspired and, in many cases, co-sponsored by the Commission and the Park. By pooling our resources and committing city staff to these efforts, much more has been done to celebrate the ethnic, cultural and historic resources that are the basis for our National Park.

5) The City has played an active role in planning for the future of our National Landmark canal system by participating in the Lowell Canalway Task Force, which has developed a concensus among federal, state, regional and local agencies and the business community as to the work that will be needed to fulfill the recreation and development potential of these historic canals. There is strong public support throughout our community for this plan.

With the canal system coming into public ownership just eight months ago, this is the time to implement the vision developed by the Canalway Task Force. S. 1012 will accomplish this vision, while enabling us to complete restoration of those buildings which have resisted our efforts to date.

Let me pledge to you that I will continue to make locally-funded investments to help match any investment of new federal dollars in my community. I urge your Subcommittee to approve this important piece of legislation.

Sincerely,

James J. Campbell

James J. Campbell
City Manager

JJC/sr

"Home of the Urban National Park"

The WalkWays Center
INFORMATION AND RESOURCES FOR THE ADVANCEMENT OF WALKING

July 29, 1987

JUL 30 RECD.

Honorable Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks and Forests
Committee on Energy & Natural Resources
U.S. Senate
Washington, D.C. 20510

Dear Chairman Bumpers:

The WalkWays Center is pleased to lend our support to S. 1012, a bill that would improve various authorities relating to the Lowell National Historical Park, Massachusetts.

Established by Congress in 1978, Lowell National Historical Park has more than lived up to the vision of its founders. With the help of the Lowell Historic Preservation Commission, much of the canalway has been restored, dozens of historic buildings have been saved, many parks have been preserved for public use, and cultural programs have been established. Indeed, the partnership between the National Park Service and the Lowell Historic Preservation Commission is a unique one. Perhaps most important, the Commission has assured a meaningful role for the public in the development and interpretation of the park.

Despite these accomplishments, the WalkWays Center is convinced that the Commission's key role is not yet over. Much remains to be done. We at WalkWays are especially concerned about developing the Canalway paths, which could provide visitors with convenient walking access to the park's many historical and natural attractions. The Commission's proposals for these paths are very practical and creative, and they fully complement the National Park Service plans for the park.

S. 1012, by extending the term of the Commission and increasing the amounts authorized for property acquisition, restoration and development and for transportation, educational and cultural programs--along with other technical provisions in the bill--would be a modest yet significant step to fulfill the promise of this wonderful experiment in national urban park design. The Walkways Center urges your support for the bill.

Thank you for the opportunity to present our views.

Sincerely,

Craig Evans
President

SUITE 427 • 733 15TH STREET, NW • WASHINGTON, DC 20005 • (202) 737-9555

1987 JUL 28 PM 3:37

The Honorable Dale L. Bumpers
Chairman, Subcommittee on Public Lands,
National Parks and Forests
U.S. Senate
Washington D.C. 20510

Dear Chairman Bumpers:

The National Parks and Conservation Association is pleased to forward this letter of support for enactment of S. 1012, a bill to reauthorize the Lowell Historic Preservation Commission for seven additional years and add $12.1 million to its development authorization.

Lowell Massachusetts is one of America's most significant planned industrial communities. Its inclusion as a unit of the National Park System is considered by many as a milestone in the historic preservation movement. Through a partnership of national, state and local governments as well as private preservation interests, a community has been revitalized, a nationally significant cultural resource has been preserved, and an entire community has a renewed sense of pride and a sharper sense of history. All this has been made possible to a large extent through the establishment of the Lowell Historic Preservation Commission.

Since 1977, this fifteen member board has overseen and assisted the National Park Service in developing the Lowell National Historical Park. The Commission has worked hard to accomplish its legislative mandate and also has provided a forum for national recognition of the concept that a city is a unique cultural identity. While many of the goals of the Commission have largely been met, there still are a number of agenda items that have not yet received the attention they deserve.

If S. 1012 were passed the Commission would have seven additional years to complete the ambitious project initiated a decade ago. Of particular interest to the National Parks and Conservation Association is the Commission's plans to establish "The Canalway" --- a proposed system of canal walkways and improvements that would provide an attractive and accessible way for many thousands of visitors to view the park. Second, we support the Commission's plan to establish a regional folklife center in the Lowell National Historical Park. Such a Center would advance the concept of cultural parks as places where Americans can appreciate the ethnic heritage and diversity of this nation.

We urge you and the members of the Sub-committee on Public Lands, National Parks and Forests to recommend enactment of S. 1012.

Sincerely,

Bruce Craig

Bruce Craig
Cultural Resources Coordinator

National Parks and Conservation Association
1015 Thirty-First Street, N.W., Washington, D.C. 20007
Telephone (202) 944-8530

PRESERVATION
Action

TESTIMONY OF NELLIE L. LONGSWORTH, PRESIDENT
PRESERVATION ACTION
BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

Chairman Bumpers and members of the committee:

I am Nellie L. Longsworth, President of Preservation Action, the national grassroots lobbying organization for historic preservation and neighborhood conservation issues. We are a nonprofit membership organization supported by individuals, organizations, and corporations in all 50 states concerned with the preservation of the built environment. We have a Board of Directors of 174 members and a nationwide network of volunteer advocates who are leaders in their own communities on historic preservation issues.

It gives me great pleasure to testify morning on behalf of the reauthorization of the Lowell Historic Preservation Commission - S 1012. For me, it is a special occasion, since it was almost a decade ago that I testified for the first time before the Congress and - the subject was the authorization of the Lowell Historic Preservation Commission. At that time, Lowell was a dream - a dream that a gritty, forgotten city bypassed by urban renewal (fortunately!) - could become the first urban national park in our nation. The mills were tired, the canals were covered over with weeds, and the people of Lowell were weary of watching industry come and go with little improvement to their city or economic lot.

The dream of a different Lowell, shared by a group of inspired leaders, began in the '70s with a brilliant plan and the enlightened support of such Congressional leaders as Paul Tsongas and Philip Burton. The idea of selecting a tired old city to serve as the locale of our nation's first urban national park fired the romance of dreamers as it also spawned the doubts of skeptics. The Lowell Plan and the design of the Lowell Historic Preservation Commission however, offered ingredients that promised to attract a mix of public and private involvement in a challenge of great proportion. A visit to Lowell was convincing to me, as the visible vestiges of our industrial history and culture were completely intact, giving rise to the possibility that such a setting could, in fact, attract interest and visitors with the same enthusiasm as the great natural parks throughout our nation.

The job never looked easy. Others have testified to the great accomplishments of the Lowell Historic Preservation Commission. The part of the story that I would like to illustrate is the catalytic effect that the Lowell Historic Preservation Commission has had on individuals and leaders of other cities that are struggling to turn their own downtowns into exciting economic centers by focusing on their own rich industrial and technological pasts. The cities in review are Trenton, NJ, Beaumont, TX, Lima, OH, and Atlanta, Ga; just a few of the cities - both nationally and internationally - who have sent delegations to Lowell to learn the lessons of a great success story. I should add, at the onset, that all the people I interviewed visited Lowell knowing that all older industrial cities will not become national parks but that the expenditure of

1700 Connecticut Avenue, N.W., Suite 401 Washington, D.C. 20009 202-659-0915

federal dollars in this city has created ways and means for other cities to put together public private partnerships that will succeed.

Let's start with Trenton, NJ and Clifford Zink, a man with a dream that seems, in some ways today, as unlikely as the Lowell dream of a decade ago: that the Roebling Iron Works - an industrial factory complex of 40 buildings and over one million square feet of "now abandoned factory space" - will become one of the most unique and exciting mixed use historic developments in the nation. Clifford embarked on the project with a dream, no political connections, and no capital. His search for a means of implementing his goal led him to Lowell... "a fine example of what can be done by focusing on industrial heritage as an economic tool." Discussions with Commission personnel have given him good advice as to how to incorporate the rich industrial history of his city into a plan that will appeal to politicians looking toward the 21st century.

Mr. Zink - inspired by his visit to Lowell, has proceeded to raise $150,000 to implement a plan, designating $30,000 of this amount to support the nomination of the Roebling Works to the National Register of Historic Places. He has engaged HAER (Historic American Engineering Record) to record and document this important site.

He states that Lowell is the inspiration for the establishment of a museum as on of the first "revitalization" projects...a museum that will focus on both the technological history of the iron works as well as the ethnic populations that settled in Trenton because of the availability of factory jobs. This approach has already fueled interest in his project from the working class population that still lives close by, convincing Clifford Zink that the day will come when people will be as excited about Trenton and its heritage as they are are about Lowell.

"Johnstown, PA has a great deal in common with Lowell," states Richard Dill, Executive Director of the Johnstown Flood Centennial Project (1989). Lowell has proven that an industrial city will be successful if it "redefines the image of the community based on what the community was." Following closely in the steps of Lowell, this city has developed a plan to become an urban national park incorporating a number of industrial historic sites within its boundary. Mr. Dill notes that heavy industry and large industrial facilities are now a part of our past, a part of our history. "We're now far enough away to appreciate a different time," states Dill, and his visits to Lowell have been the genesis for a plan that has awakened another tired industrial metropolis.

Beaumont, TX has come upon hard times in the 1980's, when the great oil "boom" suddenly turned "bust". Ed Silva, a transplanted native of Lowell, was serving on the Heritage Commission at that time and told all who would listen about what had happened to his hometown. His enthusiasm that a visit to Lowell could change the fate of Beaumont led to a trip for 12 city leaders to spend 2 days on intensive workshops with the Commission, Paul Tsongas, and the city manager. Beaumont's industrial heritage was newer: in 1901, the spindle top changed the oil industry and the sleepy little city of 6,000 residents found their population expanded to 30,000 within 10 months. "Beaumont is where oil became an industry" is the slogan that Ed would like to see as the theme for the much sought after economic awakening for the depressed city that now is home to 140,000 residents.

Ed Silva states that Beaumont has had more than its share of economic hardship during the past few years, making economic recovery slower than the 12 visitors to Lowell had hoped. He likes to think of his city as a sister city to Lowell as they proceed slowly, encouraging restoration and museum development as future tourist attractions. He states that Beaumont does not have a plan like Lowell, an ingredient he believes is necessary for his city. Beaumont is moving slowly, but with continued contact with Lowell, Silva and others see the way clearly to economic recovery through the rich industrial history of this important port city.

Martha McDonnell, the Director of American House - a non-profit in Lima, OH that serves as the inspiration for the development of the city's rich railroad history and culture, economic development "through history" of Lima, OH, was more than anxious to talk about her city's visit to Lowell. Taking a group that included the head of the planning department, the Chamber of Commerce, and the Convention and Tourist Bureau for a one and one-half day visit, "catalyzed our own industrial project called Train Town". Lima had been the location where many of the great train engines were built, and, like Lowell, had not been "renewed" in the '60's. "We were clearly told that the days of big federal dollars for economic recovery, even if our city was as historic as Lowell, were over. However, we want to build on the fact that we are a working class town that remembers with pride the workmanship that went into the building of railway engines."

Following the visit to Lowell, a plan emerged, including the hiring of a folklorist. The historic sites representing the railway history are scattered throughout the downtown, and include the bunkhouses where workers lived during the heyday of engine-building. "Money is hard to come by, and we can't afford to lose too many buildings that are meaningful to the complete telling of this part of our rich industrial history. Part of our history is to answer the social questions raised by the closing down of an industry that spawned a city: what happened to the unions? what happens with the loss or wages, what did the people do?"

William Allison, formerly with the Martin Luther King Historic District in Atlanta, had never heard of Lowell. The Southeastern Regional Office of the National Park Service arranged a visit for a small group who want to gain status for Martin Luther King's neighborhood. "Lowell was a real inspiration, and the partnership between federal,state, local, and private interests is fantastic." Allison is no directly involved in the project but believes that proper guidance from experienced Commission and National Park personnel is the answer.

The Lowell Historic Preservation Commission is to be commended for the excellent job it has done over the past decade to bring an important historic city back to life. The job is close to completion, and the authorization requested in S 1012 is needed and well justified at this time. The Commission has been an integral part of a partnership that works in solving problems that were once believed to be insurmountable. The inspiration that Lowell feeds to sister industrial cities insures that generations to come will know that America is as proud of its industrial heritage as it is of its democracy. Lowell is an important national example of historic preservation...a city that lives because it embraced it history rather than running away from it. The vitality of our ethnic roots is something to be celebrated, and Lowell can help cities throughout the work achieve this important goal.

○